

Town of Lebanon
INLAND WETLANDS COMMISSION
Regular Meeting
Lebanon Town Hall, Lower Level Conference Room
Monday, May 14, 2018 – 7:00 PM

MINUTES

Members Present: James McCaw (Chair), Robert Slate (Secretary), Jim Bender, John Drum,
Jim Hallene, Carl Bender, Dennis Latchum, Dean Gustafson
Members Absent: 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 Mr. McCaw.

Mr. Gustafson made a motion, seconded by Mr. Hallene, to add Windham Solar, as agenda Item V.d. and change the IWC member reappointments from Item V.d. to V.e. under New Business, and Items III.a, through c., to be taken up after Approval of Minutes. Motion approved. 8-0-0

- II. Approval of Minutes:

- a. **Mr. Slate made a motion, seconded by Mr. Latchum, to approve the April 2, 2018 Regular Meeting Minutes as presented. Motion approved. 8-0-0**

- III. New Business:

Mark Zessin, P.E. and Kimberly Fletcher, P.E., Anchor Engineering Services Inc. presented plans for the following three replacement culverts on Olenick Road, Card Street and Church Road. All projects were approved previously at town meeting. The Commission requests plan review and comments by the town engineer.

- a. **IW-18-7067:** Town of Lebanon, owner, Olenick Road (west of Clubhouse Road), Assessors Map 243. Installation of concrete box culvert.

This item will be placed on the next regular meeting agenda.

- b. **IW-18-7068:** Town of Lebanon, owner, Card Street (northeast of Village Hill Road), Assessors Map 202. Installation of concrete box culvert.

This item will be placed on the next regular meeting agenda.

- c. **IW-18-7069:** Town of Lebanon, owner, Church Road (east of McCall Rd.), Assessors Map 266. Installation of concrete box culvert.

This item will be placed on the next regular meeting agenda.

IV. SHOW CAUSE HEARINGS

- a. **SHOW CAUSE HEARING/NOTICE OF VIOLATION** ~ Daniel Kapral, for property at Lakeside Drive, Assessors Map 107, Lot 12.

Mr. McCaw read the hearing notice and letter from Mr. Chester to Mr. Kapral dated 5/4/18 into the record. Additional documents entered into the record:

- Nine (9) photographs taken by Mr. Chester
- Original application IW-17-6464, received 7/31/17
- IWC Meeting Minutes
- Denial letter dated 10/5/17
- Published legal notice

Mr. Wesley Wentworth, P.E. and Soil Scientist and Mr. Kapral were present. Mr. Wentworth stated that stone dust (crushed traprock) was placed on the owner's driveway and across the street onto this lot. There are excess stockpiles of that same material, in excess of 25 yards with some flowing down the bank into the wetlands. There are no erosion and control measures in place, but he feels it does not have a negative effect on wetlands since it is organic clean material. Mr. Wentworth stated that will prepare a remediation plan to rectify the situation which will include removing the material by the June 4th meeting.

Mr. McCaw closed the hearing.

- b. **SHOW CAUSE HEARING/NOTICE OF VIOLATION** ~ Brian Riendeau, Riendeau & Sons Logging LLC, for (Botticello) property at Levita Road, Assessors Map 255, Lot 25.

Mr. McCaw read the hearing notice and letter from Mr. Chester to Mr. Riendeau into the record. Additional documents entered into the record were:

- Seventeen (17) photographs submitted by State of CT DEEP
- Notice of Violation #201802 issued by State of CT DEEP
- Map prepared by State of CT DEEP
- Email dated 5/14/18 from abutting property owner Dan Petrofsky, Levita Road to Mr. Chester
- Original application IW-AR-17-6061 and associated map
- IWC Meeting Minutes

Brian Riendeau and Scott Person were present. Mr. Riendeau told the Commission that he had an 18-month contract with Mr. Botticello and that in the sixteenth month he arrived to cut the property but found that Mr. Botticello had hired another logger who had begun cutting the property. He said he wanted to back out of the contract but that Mr. Botticello could not afford to pay him back so he went back to cut timber in additional areas. He received a violation notice from the State of Connecticut for

areas that needed correction and stated that the corrections have been completed. Mr. Person submitted photographs he said were taken in May 2017 of the areas that were corrected.

Mr. Chester recommends that a soil scientist review the entire site and abutting property to determine if DEEP's Best Management Practices were followed and how best to remediate the site conditions. Mr. McCaw closed the hearing at 7:50 p.m.

V. Old Business:

- a. **SHOW CAUSE HEARING/NOTICE OF VIOLATION** ~ Daniel Kapral, for property at Lakeside Drive, Assessors Map 107, Lot 12.

Mr. Slate made a motion, seconded by Mr. Gustafson, for the order to remain in place and to require a remediation plan prepared by a soil scientist for the June 4, 2018 meeting. Motion approved. 8-0-0

- b. **SHOW CAUSE HEARING/NOTICE OF VIOLATION** ~ Brian Riendeau, Riendeau & Sons Logging LLC, for (Botticello) property at Levita Road, Assessors Map 255, Lot 25.

Mr. Slate made a motion, seconded by Mr. Latchum, for the order to remain in place and to require a remediation plan prepared by a soil scientist by June 4, 2019 to include review of the entire site and abutting property and CT-DEEP field notes and map. Motion unanimously approved.

VI. New Business:

- d. Windham Solar, 1 Williams Crossing Road. Mr. Gustafson recused himself from the discussion and left the meeting table. Although IWC reviewed the original plan, no wetlands permit exists for this project because the work was to be done outside of the regulated area.

Mr. Chester visited the site in March and found that the site was in need of stabilization, that siltation had entered the regulated area, and that the detention areas were in need of corrections. CT-DEEP Commissioner issued a Cease and Desist order based on their inspections of the site.

Ellen Bartlett, Project Engineer and Robert Russo, Soil Scientist of CLA Engineering were present and gave an overall review of the site. As directed by DEEP, the owners have hired them for remediation purposes. The owners have hydroseeded and spread haybales to stabilize the area. Sediment basins have been installed according to plan, but are full and in need of redesign and regular maintenance. Mr. Russo submitted a letter, dated 5/8/18 from John Ienni, Soil Scientist, who did the original delineation for the project. Mr. Russo provided photographs of the site. Sediment has overflowed into two areas and very little in the wetlands.

CLA Engineering is developing a plan to present to the Town for work to be conducted in the buffer or regulated area. In some areas they will be removing up to one foot of sediment, mostly topsoil which can be reseeded and stabilized. There will be no work in the wetlands, and soil scientist to monitor removal of the sediment. DEEP is overseeing and requiring an independent engineer to monitor and report weekly and after each storm, for one year.

It was the consensus of the Commission that Mr. Chester could sign a buffer permit and if he deemed necessary that an independent engineer be hired by the town at the applicant's expense.

Mr. Carl Bender made a motion, seconded by Mr. Drum, to authorize Mr. Chester to sign the application when submitted. Motion approved 8-0-0.

e. IWC member reappointment recommendations for the following:

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|------------------|-----------------------|
| 1. Jim Bender | term expires 6/1/2018 |
| 2. James Hallene | term expires 6/1/2018 |
| 3. David Martin | term expires 6/1/2018 |

Mr. McCaw made a motion, seconded by Mr. Slate, to recommend to the Board of Selectmen the reappointment of James Hallene and Jim Bender to the Inland Wetlands Commission but not the reappointment of David Martin. Approved 7-0-1 with Jim Bender abstaining.

VII. Town Planner's Report:

- a. Buffer Permits: **IW-BUF-18-7023**: Michael Summa, owner, 87 Barker Road, Assessors Map 236, Lot 22. 12' x 20' shed. **APPROVED.**

VIII. Correspondence:

Letters dated 4/25/18 from Vilnis Atrens & Peter Atrens, 768 Beaumont Highway, regarding activity in pond and clearing at abutting property.

Mark Matkovich came before the commission to discuss existing and proposed activities on his property. The commission recommended that he hire a soil scientist and present an application for said work.

IX. Adjournment

Mr. Bender made a motion to adjourn, seconded by Mr. Drum and unanimously approved at 9:22 p.m.

Respectfully Submitted,
Holli E. Pianka, Land Use Secretary
May 21, 2018

(Minutes are unapproved as of transcription date.)