

Town of Lebanon
Inland Wetlands Commission
Regular Meeting
Town Hall, 579 Exeter Road
Lower Level Conference Room
Monday, December 3, 2018 – 7:00 P.M.

MINUTES

Members Present: Chair James McCaw, Sec. Robert Slate, Dennis Latchum, Jim Bender, and Jim Hallene, Dean Gustafson, Michelle Trani

Members Excused: John Drum and Carl Bender

Others Present: Town Planner Philip Chester, Recording Secretary Linda McDonald, and Town Engineer Brandon Handfield

- I. J. McCaw called the meeting to order at 7:00 p.m. and welcomed new member Michelle Trani.
- II. Approval of November 5, 2018 Regular Meeting Minutes

R. Slate MOVED to approve the November 5, 2018 regular meeting minutes as presented. J. Hallene SECONDED. MOTION CARRIED 5:0:2 with M. Trani and D. Gustafson abstaining.

III. Old Business:

- a. IW-18-7498: Paul Puhlick (owner), Brian Riendeau & Sons Logging (applicant) for selective timber harvest at Fowler Road, Assessors Map 273, lots 26, 27, 28:

The Commission consensus was to combine this discussion with agenda item IW-18-7594. J. McCaw introduced Attorney M. Zizka of Halloran & Sage who represents the Commission.

Attorney Zizka explained that it was up to the applicant to decide what to present to the Commission to demonstrate entitlement to the as-of-right exemption and the Commission has the entitlement to accept or reject the request for exemption. Attorney Zizka asked if there is a timber management plan for the property.

Scott Person and Brian Riendeau responded that all information needed is on the plan submitted. S. Person reviewed the State wetlands regulations, claiming the activity is as-of-right. Attorney Zizka reiterated that whether the use is as-of-right or not rests with the Commission.

P. Chester noted that wetlands disturbance has taken place on 2 properties for which the Commission has acted on this applicant, and entered into the record 2018 violation notices from the Town and DEEP regarding the Botticello property on Levita Road.

D. Gustafson noted that Sections B.9a, B.10a, and C.2b were incomplete on the Timber Harvest Notification form submitted. S. Person amended the Timber Harvest Notification form as follows:

- For Section B.10b he stated he would maintain a 50% crown around the vernal pools
- He checked off the diameter limit cut box on Section C.2b.

Discussion followed on the recommendations in the survey report of Soil Scientist J. Theroux.

J. Bender MOVED to approve application IW-18-7498 with the condition that the wetlands crossings, vernal pools, and skid trails be monitored by a forester hired by the town and paid by the applicant due to concerns about possible erosion, sediment control, and for protection of the vernal pools and perennial streams. J. Hallene SECONDED. S. Person agreed to the marking of trees around the vernal pools and monitoring of the wetlands crossings.

J. Bender MOVED to amend his prior motion to remove the language pertaining to the monitoring of the skid trails. J. Hallene SECONDED the amended motion. MOTION CARRIED 6:0:1 with D. Gustafson abstaining.

J. Bender MOVED to approve application IW-18-7498: Paul Puhlick (owner), Brian Riendeau & Sons Logging (applicant) for selective timber harvest at Waterman and Fowler Roads, Assessors Map 273, lots 26, 27, 28 with the condition that the wetlands crossings and vernal pools be monitored by an independent forester to be hired by the town and paid for by the applicant due to concern about possible erosion, sediment control, and for protection of the vernal pools and perennial streams. J. Hallene SECONDED. MOTION CARRIED 6:0:1 with D. Gustafson abstaining.

IV. New Business:

a. IW-AR-18-7594: Paul Puhlick (owner), Brian Riendeau & Sons Logging (applicant) for selective timber harvest at Waterman and Fowler Roads, Assessors Map 273, lots 26, 27, 28:

D. Latchum MOVED that IW-18-75494: Paul Puhlick (owner), Brian Riendeau & Sons Logging (applicant) for selective timber harvest at Fowler Road, Assessors Map 273, lots 26, 27, 28 was an as-of-right activity. J. Hallene SECONDED. MOTION CARRIED 5:0:2 with M. Trani and D. Gustafson abstaining.

b. IW-BUF-18-7561: Janet T. Conley (owner), Schalk Road, Assessors Map 221, lot 8 for new home construction, buffer area, well, septic, driveway and foundation:

P. Chester presented correspondence from Uncas Health District which stated the well should be relocated to the eastern side of the driveway and the leaching system location for 79 Schalk must be added to the plan, with additional test holes required prior to the issuance of a septic permit.

Consensus of the Commission was to allow P. Chester to sign off on IW-BUF-18-7561 pending an acceptable identified well and leaching system location outside of wetlands.

c. IW-AR-18-7588: Three Sons Realty LLC (owner), 227 Waterman Road, Assessors Map 251, lot 9 to construct hoop houses:

P. Chester distributed Town Engineer Brandon Handfield's 12/3/18 review letter.

John Sczurek, P.E., of Megson, Heagle and Friend represented the applicant and said Phase I of the plan is to construct 29 greenhouses. Topsoil would remain under the growing pads and topsoil would be removed under the gravel roads but remain on the site, stockpiled on southerly property corner. J. Sczurek said catch basins would collect runoff and drain into a swale to a detention pond. He agreed with the town engineer's opinion to remove Phase II from the plans and to take the detention pond area and slide it northerly which would require a buffer application.

Suzanna Judd, abutter, voiced concerned about the proposed water quality swale that would abut her property and asked that it have an impervious lining. She voiced other concerns with the

potential contamination of her well, noise, pesticide spray and dust drift, and that plantings at her property line would interfere with operation of her solar panels.

J. Sczurek responded that he would keep plantings solar friendly and eliminate the water quality basin and pipe the water to the detention basin instead.

Mark Sellow, applicant, commented that he wanted to have a good relationship with neighbors and that he would put in a buffer for the abutter.

J. Sczurek stated he was withdrawing the as-of-right application and would submit a buffer application in the near future.

P. Chester recommended that the Town Engineer's fee for the new buffer permit application be borne by the applicant and the Commission agreed. P. Chester and B. Handfield noted that this application may require PZC approval and recommended that the applicant attend the next PZC for discussion.

d. IW-BUF-18-7593: Brad Kaplan (owner), 191 Lakeshore Drive, Assessors Map 101, lot 11 for septic system repair:

Mark Reynolds, P.E., represented the applicant and said he is looking for consensus of the Commission to grant approval authority to P. Chester for a buffer permit for a septic system repair.

Consensus of the commission was to grant approval authority to P. Chester for a buffer permit for a septic system repair at 191 Lakeshore Drive (IW-BUF-18-7593).

v. FY 2019-2020 Budget:

P. Chester distributed copies of the current IWC budget for budget planning. **R. Slate MOVED to add \$900.00 to Temp Services to pay for a Recording Secretary at IWC meetings which would increase the proposed budget to \$2,900.00. D. Latchum seconded. MOTION CARRIED 6:0:0.**

VI. Town Planner's Report: P. Chester discussed DEEPs email asserting that regulated activity has taken place at Corey Spaulding's property on Smith Road which requires IWC approval. He will contact C. Spaulding to request a permit application for the next meeting.

D. Latchum recommended that Eastern CT Conservation District come to a meeting to discuss their role in the region. The consensus of the Commission is to invite them to the January meeting.

VII. Correspondence: No correspondence.

VIII. Adjournment: R. Slate MOVED to adjourn the regular meeting at 9:05 p.m. J. Hallene SECONDED. MOTION CARRIED 6:0:0.

Respectfully submitted by

Linda H. McDonald

Linda H. McDonald

Please see minutes of subsequent meetings for the approval of these minutes and any corrections hereto.