

Town of Lebanon

INLAND WETLANDS COMMISSION

Regular Meeting

Lebanon Town Hall, Lower Level Conference Room

Monday, September 13, 2010 – 7:00 PM

MINUTES

Members Present: Chairman James McCaw, Secretary Robert Slate, John Drum, James Bender, Dean Gustafson, David Martin, Carl Bender, Dennis Latchum
Members Absent: James Hellene
Others Present: Philip Chester, Town Planner
Holli Pianka, Secretary

- I. The meeting was called to order at 7:02 p.m. by Chairman James McCaw.
- II. Acceptance of Minutes:
 - a. July 12, 2010~Regular Meeting Minutes. R. Slate motioned, J. Drum seconded, and members voted to approve the minutes as presented.
 - b. July 27, 2010~Special Meeting Minutes. R. Slate motioned, C. Bender seconded, and members voted to approve the minutes as presented.
Abstained: D. Gustafson
- III. New Business:
 - a. **#IW-10-08: Hyponex Corporation, applicant, William E. Klein Sr. Trustee, owner, Industrial Park Road, Assessors Map 233, Lots 11 & 15. Construct outdoor storage area and wetlands crossing for driveway.**

Wesley Wentworth, Professional Engineer and Soil Scientist, was present on behalf of the applicant Hyponex Corporation (formerly Earthgro). Mark Cooper, Plant Facilities Manager is also present. Mr. Wentworth presented a proposed site plan dated 9/1/2010. At the existing facility, current procedure is to bring in raw materials which are composted outside near the rear of the property. The material is then brought to the front of the property to the screening plant for bagging. The packaged bags of mulch and soil products are stored on palettes in this area, on pre-packed gravel lots, until spring. The drainage shed for this area flows down under a culvert area where numerous (DEP permitted) pumping lagoons are found. The new overall plan is to purchase a 13 acre lot and 17 acre lot, both vacant and zoned light industrial from the owner (Klein). The plan includes adding prepacked gravel lots and a new 100,000 square foot facility. The first application #IW-10-08 proposes the prepacked gravel lots and the second application #IW-10-09 proposes the new 100,000 square foot building for use as a

warehouse for storage of bagged fertilizer. Discussed the drainage areas and wetlands area affected. Plan to strip topsoil of this former farmland and berm and screen on edges of barrier toward wetland area. Use stonewalls as natural physical buffer. Meeting storm water quality requirements based on DEP regulations. Minimizing impact of wetlands as much as possible, approximately 2,000 square feet affected.

- b. **#IW-10-09: Hyponex Corporation, owner/applicant, 20 Industrial Park Road, Map 233, Lots 12, 13, 14. Construct 100,000 sq. ft. warehouse in portion of regulated area.**

The Commission discussed combining the two applications (#IW-10-08 and #IW-10-09) as they impact each other significantly and components of each are interrelated. The applicant agreed to use one application.

D. Gustafson made a motion to combine the two applications as one application #IW-10-08, J. Bender seconded. Vote: Approved unanimously.

The application paperwork will be relabeled to reflect this change.

The Commission requested the following be submitted by the applicant:

- 1) Storm water quality reports.
- 2) Plan of profile and schedules.
- 3) Details of minor direct impact of wetlands and significant impact.

The Commission called a Special Meeting Site Walk on Tuesday, September 28, 2010 at 6:00 p.m. with the meeting location to be at the cul-de-sac on Industrial Park Road. Mr. Chester requested that stakes/flags be located at the corners of the proposed building in the buffer area.

Public Comment:

Mr. Badger, 232 Briggs Road, concerns of excessive drainage from this site onto his property. W. Wentworth will schedule with the owner to walk his property to see the affected areas and recommended they attend the site walk.

- IV. **SHOW CAUSE HEARING/NOTICE OF VIOLATION ~Corey Robert Spaulding, 83 Smith Road, Assessors Map 246, Lot 32 & Lot 32.001.** No discussion took place.

V. Old Business:

- a. **#IW-10-07: Amston Lake Tax District, Maintenance Dredging of Amston Lake Northeast Cove**

Mr. Martin recused himself from this application.

Dave O'Brien, President of Amston Lake Association was present on behalf of this application. He met with DEP on July 20, 2009 informing them of concerns

of the sediment deltas which have formed around the lake over many years. These deltas continuously build up and eventually becoming a wetland. Working in conjunction with DEP and Town of Hebron, they were able to secure permits to successfully remove these sediment deltas. They are now requesting permission from the Town of Lebanon to repeat this procedure, dredging an area known as the Northeast Cove, removing approximately 60 cubic yards of sediment from the watershed. The sediment is dewatered at the site and available to the Town for use.

R. Slate made a motion to approve application #IW-10-07, J. Drum seconded, with the following condition:

1. Subject to location of fill deposit to be made by the First Selectman and fill use to be made available to the Town of Lebanon.

Vote: Approved unanimously. Abstained: D. Martin

D. Martin resumed his seat on the Commission.

VI. Town Planner's Report:

- a) Approved two (2) Timber Harvest "As of Right" (Mathews Farm and Sczfarek).
- b) FEMA Floodplain Map updates and PZC public meeting on 9/20/10.

VII. Correspondence:

- a) Eastern Conn. Conservation District.
- b) Authorization to pay \$90 to Murtha Cullina for Spaulding matter.
- c) Letter to Lebanon Wetlands Commission, from Cory Spaulding, dated 9/4/10, complaint of erroneous statements in meeting minutes and letters. It was the consensus of the Commission that Mr. Spaulding's complaints were unfounded.

M. Martin made the following motion, seconded by C. Bender:

That in accordance with Section 5 of Lebanon's Inland Wetlands Regulations, Mr. Chester notify the Commissioner of Environmental Protection regarding the breach of the dam by Mr. Spaulding and determine the extent of Commission jurisdiction regarding this matter, and that Mr. Chester attempt to conduct a site visit of Mr. Spaulding's property relative to Mr. Spaulding's September 4, 2010 letter to the Commission to determine if additional work has been conducted in the regulated area and if additional Town action is necessary.

Vote: Approved unanimously

VIII. R. Slate made a motion, seconded by J. Bender to adjourn the meeting at 8:27 p.m.

Vote: Approved unanimously.

Respectfully Submitted,

Holli E. Pianka, Land Use Secretary

September 14, 2010

(Minutes are unapproved as of transcription date.)