

Town of Lebanon
Inland Wetlands Commission
Regular Meeting
Town Hall, 579 Exeter Road
Lower Level Conference Room
Monday, October 1, 2018 – 7:00 P.M.

MINUTES

Members Present: Chair James McCaw, Secretary Robert Slate, Carl Bender, John Drum, Dennis Latchum, Jim Bender, Jim Hallene, and Dean Gustafson

Others Present: Town Planner Philip Chester, Carl Riendeau, Soil Scientist Wes Wentworth P.E., John Sczurek P.E., Joan Nichols, Anthony Rigazio-DiGilio, Andrew Laroche, and Recording Secretary Linda McDonald

I. Call to order: J. McCaw called the meeting to order at 7:00 p.m.

D. Gustafson MOVED to add the following old business items to the agenda:

- c. IW-18-7159: Daniel Kapral, Lakeside Drive, Assessors Map 107, Lot 12.
- d. IW-18-6872: Barbara Lederer, 461 Deepwood Drive, Assessors Map 105, Lot 104 for new home construction.

R. Slate SECONDED. MOTION CARRIED 8:0:0.

II. Approval of September 10, 2018 Regular Meeting Minutes

R. Slate MOVED to approve the September 10, 2018 Regular Meeting Minutes as presented. J. Drum SECONDED. MOTION CARRIED 5:0:3 with J. Bender, J. Hallene and D. Gustafson abstaining.

III. New Business:

- a. IW-AR-18-7425: Paul Puhlick (owner), Brian Riendeau & Sons Logging (applicant) for selective timber harvest at Waterman Road and Fowler Road, Assessors Map 273, lots 26, 27, 28:

This is a new application for the selective timber harvest. Scott Persons, representing the applicant, stated that he had followed the recommendations of Soil Scientist J. Theroux. He stated that the harvest would include the use of corduroys for the wetlands crossings.

Commission asked that without marking trees to be harvested, particularly along the perennial streams and vernal pools, how would the applicant make the determination that 50% crown cover would remain along the five vernal pools and three perennial streams. S. Person said he would make the determination.

D. Gustafson said J. Theroux's report recommended that due to the extensive wetlands, vernal pools, and perennial streams on the property that the timber harvest should be monitored by a certified forester. D. Gustafson said that due to the potential of erosion concerns associated with three large wetland crossings, slopes, and extensive tree clearing operations along three perennial streams and five vernal pools, his recommendation is to deny this timber harvest as an as-of-right activity and to have the applicant submit a wetlands application, with the Commission

hiring a certified forester to oversee the project and charging the applicant a fee. He expressed his concerns with the protection of wetlands resources within the upland review area, specifically with the size of vernal pools and wetlands, size of sensitive wetlands crossings, amount of perennial streams, and the amount of wetlands disturbance.

S. Person responded that, other than the three stream crossings, the rest of the project is a jurisdictional ruling. D. Gustafson responded the Commission has the authority to make that ruling.

Joan Nichols, abutter to the property, would like the trees being cut, marked at stump level.

D. Gustafson MOVED that for IW-AR-18-7425, as-of-right activity application be denied due to potential of erosion concerns associated with three large wetland crossings and five vernal pools, slopes, filling of wetlands, past history of applicant, and extensive tree clearing operations approximate to three perennial streams and five vernal pools.

D. Latchum SECONDED. Discussion followed. MOTION CARRIED 8:0:0.

- b. IW-BUF-18-7430: Girl Scouts of America (owner), Laroche Builders LLC (applicant) to create trail road and construct pavilion and dock, Assessors Map 227, lot 3:

Andrew Laroche presented details about the proposed trail road. He said there is no road cut proposed, gravel (stone dust) will be put down and the trail road (approximately 10 feet wide) will be kept as a walking trail for the scouts to cross, leaving as many trees as possible.

A. Laroche said the dock will be a floating dock, not attached to the land. D. Gustafson noted that the construction of a dock was missing from the application. The application was amended at the meeting to include the dock.

The consensus of the Commission was to schedule a site walk of the property on Tuesday, October 9, 2018 at 5:45 p.m. at the entrance of Clubhouse Road. P. Chester asked the applicant to stake the centerline of the path, the dock and pavilion before the site walk. A. Laroche will try to provide a better site plan as well before the next regular meeting. The owner's presence was requested at the walk as well. No further action taken.

IV. Old Business:

- a. IW-18-7373: Josef Aigner and Eloise Tencher (owners) for replacement/new single-family home construction at 54 Deepwood Drive, Assessors Map 103, lot 86:

W. Wentworth, on behalf of the owner, said he revised the plan to address concerns after the site walk on Sept. 18, 2018 and review of the Town Engineer's letter dated Sept. 27, 2018, and described the revisions to the project.

J. Drum and C. Bender expressed concern with the impact of significant water flow onto the neighbor's property to the north during storm events with the amount of fill (approximately 5 feet of fill on the north side of the proposed house) being brought in close to wetlands and proposed filling of wetlands. W. Wentworth proposed a retaining wall be constructed between the properties to keep the water flow from crossing onto the neighbor's property.

P. Chester noted the site would be cleared of vegetation and trees and the plan should be amended to reflect such.

C. Bender MOVED that the Commission determine this project is not a significant impact to wetlands. J. Hallene SECONDED. MOTION CARRIED 8:0:0.

Individual members will visit the site before the next meeting.

R. Slate MOVED that the applicant pay the Town Engineer's plan review fees. D. Gustafson SECONDED. MOTION CARRIED 8:0:0.

- b. IW-18-7381: Sandra and Anthony Rigazio-DiGilio (owners) for repair and maintenance of waterfront area and replacement of beach at 190 Deepwood Drive, Assessors Map 104, lot 152:

Jonathan Zurick of Megson and Heagle Civil Engineers, representing the applicant, said he was here for a wetlands permit for repair and maintenance of waterfront area and replacement of beach at 190 Deepwood Drive. He addressed concerns raised by members at a site walk of the property a few weeks ago regarding work done earlier in the regulated area.

J. Sczurek P.E. explained there was topsoil placed in the upland review and the upper third washes out during rain events. He has recommended to the applicant that a stone slope protection mat 4-6" deep comprised of DOT #3 stone be installed over that area to protect the area. He said the applicant would like to install 1 ½ "of DOT #3 stone dust over the mat so the area can be used as a walking path. Owner Anthony Rigazio-DiGilio stated on the record he would follow the recommendations.

R. Slate MOVED to approve application IW-18-7381 with the condition that 4-6 inches of stone and 1 ½" of stone dust be placed on the north facing slope within the next 30 days. J. Drum SECONDED. MOTION CARRIED 8:0:0.

- c. IW-18-7159: Daniel Kapral, Lakeside Drive, Assessors Map 107, lot 12:

P. Chester reported the commission approved the installation of an access road across the property in July. At a site visit in Sept. 17, 2018, P. Chester documented areas where the silt fence was failing and installed improperly. He also questioned the amount of fill brought into the property as only 8" of processed gravel was approved by the Commission, and he notified W. Wentworth who concurred. After the Sept. 25, 2018 heavy rain event the Building Official noted soil erosion at the site and P. Chester notified W. Wentworth who concurred. Today, P. Chester visited the site and found/documented improper silt fence installation and erosion into the wetlands. He also questions the amount of fill that has been brought onto the site.

W. Wentworth, engineer for the applicant, said he notified the applicant with recommendations on how to remediate the issue. A second silt fence was improperly installed a few days ago.

R. Slate MOVED that staked hay bales be put down as a silt fence to rear of the downslope within seven (7) days to be inspected by a soil scientist. D. LATCHUM SECONDED. MOTION CARRIED 8:0:0.

R. Slate MOVED to require a letter from a soil scientist that the work has been completed according to the application. J. Drum SECONDED. MOTION CARRIED 8:0:0.

- d. IW-18-6872: Barbara Lederer, 461, Deepwood Drive, Assessors Map 105, lot 104 for new home construction:

P. Chester said the plan was revised Sept. 21, 2018 to install a catch basin at the northwest corner of the site to be discharged to rear of the property to rip-rap before going into wetlands.

D. Gustafson MOVED to approve the amended site development plan for 461 Deepwood Drive from Reynolds Engineering dated Sept. 21, 2018. J. Hallene SECONDED. MOTION CARRIED 8:0:0.

- V. Town Planner's Report: P. Chester reported that both the Smith Road culvert and the Randall Road bridge over Gillette Brook failed during the Sept. 25, 2018 rain storm. Parts of other roads eroded as well as a few construction sites, including Bender and Church Road bridge replacement sites.

He attended the Sept. DEEP Forest Practices Advisory Board meeting; approved a buffer permit for IW-BUF-18-7366: 310 Deepwood Drive, Assessors Map 104, Lot 135, Paul and Jennifer Staehly; and recommends a revision to Commission's fee ordinance to add that applicants pay for "monitoring" inland wetland projects as determined by the Commission.

D. Gustafson MOVED that the Commission recommend to the Board of Selectmen to add to the Oct. 29, 2018 special Town meeting agenda, approval of a revision to the "Revised Ordinance for Inland Wetlands Commission Applications" to add "monitoring". R. Slate SECONDED. MOTION CARRIED 8:0:0.

- VI. Correspondence: CACIWC annual meeting in Nov. Commission to pay for CACIWC membership. Invoice for \$1,000 from Eastern CT Conservation District. No funds in account for this.
- VII. Adjournment: J. Hallene MOVED to adjourn the regular meeting at 9:48 p.m. D. Latchum SECONDED. MOTION CARRIED 8:0:0.

Respectfully submitted by *Linda H. McDonald*

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