

Town of Lebanon  
Inland Wetlands Commission  
Regular Meeting  
Town Hall, 579 Exeter Road  
Lower Level Conference Room  
Monday, August 5, 2019—7:00 P.M.

MINUTES

Members Present: Chair James McCaw, Dennis Latchum, Jim Bender, Carl Bender, Jim Hallene, Michelle Trani

Members Absent: Sec. Robert Slate, Dean Gustafson, John Drum

Others Present: Brett Harlow, Patricia Kaneda, Eugene Lescoe, Joseph Theroux, David Gendreau

- I. Call to order: J. McCaw called the meeting to order at 7:03 P.M.
- II. A) J. Hallene MOVED to approve the July 8, 2019 minutes as presented. D. Latchum SECONDED. MOTION CARRIED 5:0:1 with Michelle Trani abstaining.  
  
B) J. Hallene MOVED to approve the July 30, 2019 site walk minutes as presented. Michelle Trani SECONDED. MOTION CARRIED 6:0:0.
- III. Old Business:
  - a. IW-BUF-19-8027: Application of Brett Harlow for Chad and Ursula Nehrt (owners), 72 Deepwood Drive, Assessors Map 103, Lot 84 for landscaping and patio removal.  
  
J. McCaw referenced site walk and cited regulation section 4.1 (d). Commission discussed site walk findings and clarified that these regulations are in regards to mapped wetland, not flood zone which are governed by the Planning and Zoning Commission.  
  
B. Harlow suggested scraping off the moss from the area and then putting fresh soil down that would be the same depth as the removed moss.  
  
C. Bender clarified that it is not up to the Commission to determine what the applicant can/cannot do, but rather that it is up to the applicant to develop and present a clear plan.  
  
M. Trani pointed out that any filling would require approval by PZC, so if the plan includes filling in flood zone, that should be taken into consideration.  
  
D. Latchum specified that reflagging would be necessary.  
  
C. Bender suggested that the applicant work with a wetland scientist to obtain their guidance and have them map the area, then bring the findings forth to the Commission.  
  
J. Bender gave final reminder to applicant about not entering flood zone.  
  
No action taken. Discussion will be continued at the September 9<sup>th</sup> meeting.

- b. IW-BUF-19-7814, 116 Deepwood Drive, Assessor 103, Lot 75. Reconstruct new single-family residence destroyed by fire.

J. McCaw referred the recent site walk and map. Applicants are present with contractor.

C. Bender mentioned erosion control concerns, and the need to use them properly. Not properly installed at site walk.

J. Bender mentioned the possible situation of large amounts of ledge.

C. Bender said the sedimentation control needed to be on plan, along with approximate volume of fill to be removed.

Contractor indicated the fill would be temporarily stored up site and then removed offsite.

MOTION to approve by C. Bender. Seconded by J. Bender. Motion carried 6:0:0.

1. Conditions that silt fence and hay bales be used
2. Fill to be moved offsite.

#### IV. New Business

- a. IV-AR-19-8075 Eugene Lescoe (owner), Joseph Theroux (applicant), 56 Bush Hill Road, Assessors Map 208, Lot 73 and Map 207/Lot 6. Selective timber harvest.

Joseph Theroux, licensed forester and soil scientist and applicant for the property owner, presented the timber harvest plan. Proposed harvest includes white ash as preemptive strike to emerald ash borer, and also red, black, and white oaks defoliated by gypsy moth. He pointed out difficult areas, as there are several wetland crossings detailed on the plan map. There would be two definite wetland crossings, SC-1 and SC-2. SC-1 is intermittent stream, whereas SC-2 is a perennial stream. SC-3 is near a fiber optic cable line, but crossing in this location made not be possible based on the stipulations of the utility. Small vernal pool in southeast portion will not be entered. Operations will not be located in the vicinity of the pool, more than maintaining any necessary buffers.

J. Bender referred to past property walk and asked about an old well on the property. J. Theroux replied that this was in the area of the vernal pool, far outside the harvesting zone.

D. Latchum asked if applicant knows what commission means by 50% cover. The applicant replied in the affirmative and pointed out the harvest would be outside 100 feet of stream.

M. Trani asked if harvesting would be completed by end of fall. J. Theroux replied that harvesting would begin in fall when ground conditions are good. It may take several months based on ground conditions.

J. McCaw cited project as-of-right and sought the Commission's agreement.

C. Bender referenced several problematic timber harvests that did not follow best management practices. He clarified to the applicant that timber harvest is understandable, but that inspections have proven to be beneficial to make sure that timber harvests are being done according to best practices. C. Bender continued that PZC Agent P. Chester might make visits and that the applicant should be open to that.

D. Latchum mentioned need for independent inspections.

J. Theroux asked what was meant by “independent inspections.”

J. McCaw stated that P. Chester could do inspections.

C. Bender supported this idea. He also stated that the applicant should make P. Chester aware when project begins.

J. Theroux said that, being a wetlands agent for six towns, he is very open to inspections and would be happy to inform P. Chester.

C. Bender pointed out that J. Theroux is the forester, not the logger, so it would be in best interest to follow up and ensure logger is following the recommendations of the forester.

C. Bender MOVED to make a motion to deem this as-of-right. M. Trani seconded. Motion carried 6:0:0.

- b. IW-19-8079 David and Mary Alice Gendreau, 159 Lake Shore Drive, Assessors Map 101, Lot 14. Placement of stones/blocks on shoreline.

Homeowner D. Gendreau apologized for late application and indicated he was seeking guidance from Commission. Wasn't sure clearly how to file the application. Explained that shoreline erosion is undercutting bank and causing erosion. Explained that he is in protected corner but that it is noticeable. Explained that he was not sure whether to put rip-rap, or cinder blocks or something else.

J. Bender asked if work would be done in fall and winter months. D. Gendreau replied that he wasn't sure if lake level would be altered. In past year, it was not.

D. Latchum wanted clarification as to how much soil/sediment would be dug out from the lake during the course of the project. He continued that plan made it appear so, and that clarification would be needed.

C. Bender explained that plan should be made clearer and that there is a large difference between rocks versus blocks. Map needed, with measurements.

D. Gendreau replied that he was looking for this sort of direction and would work on it.

J. Bender pointed out that elevation should be kept the same.

J. Hallene further clarified that stakes should be used to mark out area.

No action was taken. Discussion to be continued at September 9<sup>th</sup> meeting.

V. Correspondence:

- a. Notice of tentative determination 401 water quality certification.
- b. Notice of property development from Windham within 500 feet of town boundary along Shetucket River. No activity within wetlands reported.

VI. J. McCaw moved to adjourn meeting at 8:00 P.M. Seconded by D. Latchum. Motion carried 6:0:0.

Respectfully submitted by  
Michelle Trani  
8/12/19