

RECEIVED

By Darlene Brady at 5:01 pm, Feb 27, 2023



Board of Selectmen
Regular Meeting

February 22, 2023
4:00 P.M.

The minutes reflect motions and a summary of the discussion. Refer to the attached link for the recording of this meetings:

https://www.youtube.com/watch?v=S6yTu_sMAI8

Jean Speck, Rufus deRham and Glenn Sanchez.

Also present: Sarah Adams, Bruce Bennett, Darlene Brady, Zanne Charity, Melissa Cherniske, Athenaide Dallett, Debbie Devaux, Jen Dubray, John Grant, Lynn Harrington, Leila Hawken, Donna Hayes, Barbara Herbst, Karen Iannucci, Tai Kern, Barry Labendz, Martin Lindenmayer, Adam Manes, Connie Manes, Marie Obrien, Patricia Oris, Katherine Osborne, Rick Osborne, Thomas Soderstrom and Lynn Worthington.

Call to order:

Jean Speck called the meeting to order at 4:04 p.m.

Amend the agenda:

Jean Speck made a motion the change the wording for agenda item 7.6 to read as follows:

- KVFD Tax Abatement List

Glenn Sanchez seconded the motion and the motion carried.

Jean Speck made a motion to move agenda item 7.3 Housatonic Herbicide Working Group presentation from Bruce Bennett to be moved to the top of the agenda. Glenn Sanchez seconded the motion and the motion carried.

Glenn Sanchez made a motion to add the following item to the agenda:

7.8. Hiring Policy

Jean Speck seconded the motion and the motion carried.

Housatonic Herbicide Working Group presentation from Bruce Bennett:

Bruce Bennett:

- Town of Kent Tree Warden
- Member of Housatonic Herbicide Working Group, documentation attached.
- Short-term Goal:
 - To ask town government in the northwest corner that have significant risk of herbicide contamination by herbicide spraying in the Housatonic Railroad right-of-way to request that the railroad follow their own Vegetative Management Plan used in the Massachusetts portion of their tracks.

- Long-term Goal:
 - To work with our local state representatives, Maria Horn and Stephen Harding, to amend CT statutes to become as protective of wetlands and watercourses as the MA laws and regulations are.

Jean Speck made a motion to support Housatonic Herbicide Working Group in their desire to propose a bill to legislature and submit a letter of some more support. Rufus deRham seconded the motion and the motion carried.

Approval of minutes:

Jean Speck made a motion to approve the following minutes:

- January 25, 2023 Regular BoS meeting
- February 1, 2023 Special BoS meeting
- February 8, 2023 Special BoS meeting
- February 15, 2023 Special BoS meeting

Glenn Sanchez seconded the motion and the motion carried.

Correspondences:

January 31, 2023 Letter from Land Use Administrator Tai Kern, "Notice of Possible Violation."

Letter from Katherine Osborne, "No food truck."

February 7, 2023 Letter from Jared Kuczenski, "Purchase of vehicle."

February 19, 2023 Letter from Bruce and Katherine Osborne, Marie Obrien and Karen Iannucci, "Kent Falls Brewery" – Read into minutes.

February 6, 2023 Email from Sarah Adams, "Kent Falls Brewery" – Read into minutes.

February 22, 2023 Email from Karen Iannucci, "Kent Falls Brewery".

February 22, 2023 Email from Susan Soderstrom, "Kent Falls Brewery Proposed Expansion".

February 22, 2023 Email from Dina Spalvieri. "Kent Falls Brewery Proposed Expansion".

Public Comment:

Lynn Harrington:

- What meeting did P&R discuss moving the vehicle from the Capital Plan to the Operating Budget?
- Requested someone get back to her.

Tax Refunds:

Jean Speck made a motion to approve the three tax refunds in the shared folder for a total of \$1,715.77. Rufus deRham seconded the motion and the motion carried.

Treasurer Report:

Barbara Herbst:

- Treasurer's Report, attached.
- Capital Project Status spreadsheet for FY 2022-2023, attached.

Conservation Commission presentation on Land Acquisition Funds:

Connie Manes:

- Submitted the following documents, attached:

- A two-page memo from the Kent Conservation Commission regarding Lent Land Acquisition Fund.
- Report of the Board of Selectmen from Land Acquisition Exploratory Committee dated October 2007.
- Town of Kent Land Acquisition Exploratory Committee, Community Survey.
- Town of Kent 2011 Buildout Analysis.
- Report to the Board of Selectmen from Land Acquisition Advisory Committee dated March 2012.
- Requested time at the next meeting to look at different towns that have this kind of fund across Connecticut.
- The Conservation Commission, as the lead agency is more than willing to work on this, and hopes that the BoS will partner with them, to jointly bring a plan to the BoF.

Swift House Task Force recommendation for architect for Swift House needs assessment:

Zanne Charity:

- The Swift House Task Force's unanimously recommends Silver Petrucelli & Associates as the architectural firm for the Swift House needs assessment, Silver Petrucelli & Associates, no written recommendation from the Swift House Task Force to attach.
 - They are considerably less expensive than the other firm.
 - They have extensive experience and upgrades to historical municipal buildings.
 - They have an in-house team of structural and electrical engineers, as well as architects and interior designers.
 - They have assisted other municipalities in acquiring grant funding.

Jean Speck:

- Requested a copy of the Swift House Task Force recommendation.
- "We" would follow-up with checking the references that were provided.
- Requested an emailed copy of the "interview questions" Zanne has for review and consideration by the Board of Selectmen.

Barbara Herbst:

- Confirmed currently there is no money budgeted in the Swift House budget for this expense.
- This year's Swift House budget is already going over.
- Contingency has already been used up on the Town Hall elevator.

Torrington Area Health District vacancy appointment:

Jean Speck:

- Have reached out and received back from Torrington Area Health District expectations and time commitment for the position.
- Will send information out on social media and the website.
- Will come back to the BoS with some candidate's names.

"Change to Food Truck ordinance", request from Barry Labendz:

Jean Speck:

- In light of the current situation that's happening with P&Z, it makes sense to make sure that is settled before the BoS move forward with this request.
- Keep the item on the agenda.

Rufus deRham:

- Agreed.
- If forced to make a decision today, I would make no change in light of the discontent in the neighborhood.

Barry Labendz:

- Discontent seems to be one household or one letter.
- Can I get letters of support between now and the next meeting and they will hold the same weight?

KVFD Tax Abatement List:

Jean Speck:

- KVFD submitted two lists by the deadline to the Town Clerk:
 - 2022 Tax abatement (2023 Department Approved Revised SOP 1-7.1 &.2) - \$2,000
 - 2022 Tax Abatement (per current town ordinance) - \$1,000
- A bill passed changing the limit from \$1,000 up to \$2,000
- It has been verified from Town Council that it is based on the statue over the ordinance.
- Sent Town Council a draft of the proposed ordinance changes, hope to get it back soon.
- Hope to come to next meeting with an edited document.

Darlene Brady:

- We still need to correct the ordinance, so that the wording agrees and get it approved by a town meeting.
- The statue states up to \$2,000, the board could choose a lesser amount.
- For the sake of the budget document, the board needs to approve one of the documents.
- Based on the statue which allows up to \$2,000, the board can take action on approving a list tonight so that the tax bills can be generated and the proper amount can be added to the budget.

Glenn Sanchez made a motion to adopt the 2023 Department Approved Revised SOP 1-7.1 & .2. Rufus deRham seconded the motion. Glenn Sanchez and Rufus deRham voted yes. Jean Speck abstained. The motion carried.

Maureen Brady resolution:

Jean Speck:

- Would like to wrap this item up, the original motion was made in 2020, then the pandemic happened and three years later, nothing has happened.
- Willing to rewrite and/or remove the word pioneer.

- Not a heavy lift, for 5 months trying to honor someone who made a big difference as a woman leader when it was glass ceiling time.
- Not renaming anything, honoring her contributions.

Glenn Sanchez:

- Would like to honor Maureen in some way.
- Currently the upstairs room has been dedicated to her.
- Willing to rename something for her, just cannot support all of Town Hall.

Darlene Brady:

- On Monday evening, Maureen Brady was recognized by the RTC for her role in the state for the Town of Kent with a citation.
- Due to the longevity that this issue has been discussed it has lost any type of respect that Kathleen intended when she first reached out to Jean.
- The upstairs meeting room, now ROV office, was her office when she first started.
- You have no plan on how you are going to recognize future people.
- Respectfully, I ask that you support the original motion, provide her with a plaque, put it in the room and call it good.

Rufus deRham:

- Let's put a plaque in the room with the original resolution that was made 3 years ago.

Hiring Policy:

Glenn Sanchez:

- Felt it quite important after what was said at the February meeting during public comment regarding the hiring policy and what we have and have not done and perhaps inequitable things have been.
- I am thinking about making a motion, something like:
 - A job description be posted on the town website for at least 2 weeks is required before boards and commissions hire new employees. At the discretion of the First Selectman, exceptions may be made for emergency hires.
- At the last meeting, I said if we hire people for the town, whether it's a board or commission, we need a job description and for the sake of transparency, it must be on the website.
- We should not have to hear what we heard in the public comment, which I heard loud and clear.
- We can discuss it at the next meeting, I don't think there are any impending employee hires coming up.
- I want us to be transparent and want people to feel that things are equitable when it comes to hiring.

Selectmen reports:

Glenn Sanchez:

Nothing additional to report.

Rufus deRham:

I had a 5:30 hard stop.

Jean Speck:

- We received a letter requesting an advisory for Right to Farm ordinance, there were some P&Z pieces to the letter.
- Tai is doing a review and a site visit.
- Also asking Conservation Commission for their opinion.
- Will put on next month's agenda

Public Comment:

Sarah Adams:

Wrote a letter and asked for it to read into the minutes, attached with correspondences. The brewery has several P&Z violations, I am asking that you not reward them with a food truck, when they have shown that they don't deserve a reward. Can the board make recommendations or tell Barry what he needs to do to fire back at the neighbors? Jean Speck confirmed – no.

Executive Session – Review of Cyber Assessment:

Jean Speck:

- Table until next month.

Adjourn:

Jean Speck made a motion to adjourn the meeting at 5:52 p.m. Glenn Sanchez seconded the motion and the motion carried.

Joyce Kearns

Joyce Kearns

Administrative Assistant

These are draft minutes and the Board of Selectmen at the subsequent meeting may make corrections. Please refer to subsequent meeting minutes for possible corrections and approval.



BOARD OF SELECTMEN
Regular Meeting Agenda
February 22, 2023 @ 4:00 P.M.

Join Zoom Meeting:	https://us02web.zoom.us/j/83720813431
Meeting ID:	837 2081 3431
One tap mobile:	+16469313860,,83720813431# US

Supporting documentation for this meeting:	https://drive.google.com/drive/folders/1zrlFeKRWb2raZahTtwaA18pl9qlu9l2A
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1. Call to order.
2. Approval of minutes
 - 2.1. January 25, 2023 Regular BoS meeting
 - 2.2. February 1, 2023 Special BoS meeting
 - 2.3. February 8, 2023 Special BoS meeting
 - 2.4. February 15, 2023 Special BoS meeting
3. Correspondences:
 - 3.1. January 31, 2023 Letter from Land Use Administrator Tai Kern, "Notice of Possible Violation."
 - 3.2. Letter from Katherine Osborne, "No food truck."
 - 3.3. February 7, 2023 Letter from Jared Kuczynski, "Purchase of vehicle."
4. Public Comment
5. Tax Refunds
6. Treasurer Report
7. New Business
 - 7.1. Conservation Commission presentation on Land Acquisition Funds
 - 7.2. Swift House Task Force recommendation for architect for Swift House needs assessment
 - 7.3. Housatonic Herbicide Working Group presentation from Bruce Bennett
 - 7.4. Torrington Area Health District vacancy appointment
 - 7.5. "Change to Food Truck ordinance", request from Barry Labendz
 - 7.6. KVFD SOP revision
 - 7.7. Maureen Brady resolution
8. Selectmen reports
9. Public Comment
10. Executive Session – Review of Cyber Assessment
11. Adjourn

Housatonic Herbicide Working Group

Christian Allyn, Selectman N. Canaan

Bruce Bennet, Tree Warden, Kent

Heidi Cunnick, Chair, Cornwall Conservation Commission

Karen Nelson, NWCD

Ellery Sinclair, FV rep HRC, member IWCC

Annd Timell, MD concerned citizen

Stacie Weiner, Salisbury rep HRC



Executive Summary

Goals of the Housatonic Herbicide Working Group

1. **SHORT-TERM:** To ask town governments in the northwest corner that have significant risk of herbicide contamination by herbicide spraying in the Housatonic Railroad right-of-way to request that the railroad follow their own Vegetative Management Plan used in the Massachusetts portion of their tracks.
2. **LONG-TERM:** To work with our local state representatives, Maria Horn and Stephen Harding, to amend CT statutes to become as protective of wetlands and watercourses as the MA laws and regulations are.

communication with our towns regarding spraying schedules and specific types/varieties of herbicides and solvents, and establishing "no spray zones".

Sincerely Yours,

The Housatonic Herbicide Working Group

Anna Timell, MD

Heidi Cunnick, Chair of the Cornwall Conservation Commission

Ellery Sinclair, FV representative HRC, member FV Conservation and Inland Wetlands Commission

Bruce Bennett, Kent tree warden

Stacie Wiener, Salisbury representative HRC

Kent Fletcher, member New Milford IWWC

Christian Allyn, Selectman, North Canaan

VEGETATION MANAGEMENT

PLAN FOR:

**Amtrak (National Railroad Passenger
Corporation) Grafton and Upton Railroad
Company**

Housatonic Railroad Company

Massachusetts Central Railroad Corporation

Massachusetts Coastal Railroad

New England Central Railroad

Providence and Worcester Railroad Company

For railroad rights-of-way in the Commonwealth of

Massachusetts 1 JANUARY 2021 – 31 DECEMBER 2025

PREPARED BY:

 **TEC ASSOCIATES**

**46 SAWYER STREET
SOUTH PORTLAND, MAINE 04106**



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I. SUMMARY OF RAILROADS COVERED BY THIS PLAN 1

**A. Railroads Operating Under This Plan 1 B. Variations from
Basic Plan 1**

I. SUMMARY OF RAILROADS COVERED BY THIS PLAN

A. Railroads Operating Under this Plan

The railroad companies listed below have agreed to utilize this Vegetation Management Plan (VMP) for the next 5 years. Municipalities affected by this VMP, listed by railroad, may be found in Appendix A.

Amtrak, National Railroad Passenger Corporation
Grafton and Upton Railroad Company
Housatonic Railroad Company
Massachusetts Central Railroad Corporation
Massachusetts Coastal Railroad
New England Central Railroad
Providence and Worcester Railroad Company

B. Variations from Basic Plan

Differences in company size and work procedures require minor variations in the basic plan. These variations are due to differences in personnel, train operations, traffic density, train speed and different types of sensitive area markers. Appendix B provides details of personnel contacts, sensitive area marking systems and system maps for each railroad company.

II. INTRODUCTION

This VMP has been prepared for the participating railroads by TEC Associates and shall apply to their rights-of-way (ROWs) within the Commonwealth of Massachusetts. It describes a variety of operational practices which include physical (mechanical cutting), chemical (herbicide application), and indirect methods used to manage, control, and eradicate vegetation on railroad ROWs. This VMP outlines the 5-year program for managing vegetation as per 333 CMR 11.00 Rights-of-Way Management, latest revision (Appendix C). The topics addressed in this VMP are:

- general goals and objectives of the VMP;
- Integrated Vegetation Management (IVM) practices including justification for proposed herbicide applications and alternative management methods considered;
- management requirements for maintenance of railroad rights-of-way including target vegetation;
- vegetation management techniques;
- methods for identifying sensitive areas;
- operational guidelines for applicators relative to herbicide use;
- alternative land use considerations;
- remedial plan to address spills and related accidents; and
- identification and qualifications of individuals developing this VMP.

Appendices include a listing of municipalities affected by the VMP, variations from the basic plan for each railroad, the Rights-of-Way Management Regulations 333 CMR 11.00, the Preface to the Wetlands Protection Regulations 310 CMR 10.00 relative

along with the justifications for the judicious use of herbicides. The methods described in this VMP represent careful planning, programming, and decision making by a team of qualified professionals so that the welfare and safety of railroad employees and the general public is ensured while minimizing undesirable consequences to our environment.

III. GENERAL STATEMENT OF GOALS AND OBJECTIVES

The overall purpose of this VMP is to:

- explain the ways that vegetation on the ROW impacts railroad operations; • establish the operational procedures and professional guidelines involved in the railroads' program to manage vegetation that interferes with the operations of the railroad and which may jeopardize the safety of employees, passengers, the public, and the environment;
- provide the necessary information and basic procedures required to inform municipalities, interested citizens, railroad employees, and contractors about the railroads' vegetation management program;
- to minimize the risk of unreasonable adverse effects on human health and the environment and to protect the safety of people making public passage, performing work on, or living adjacent to the ROW.

Vegetation management is one component of a good railroad track maintenance program required to create a well-drained, stable track bed. There are many ways that vegetation on the railroad ROW adversely affects railroad safety and, consequently, public safety. The targeted use of herbicides for certain aspects of vegetation management is one of many tools that railroads use to maintain tracks in a safe condition.

The typical railroad roadbed consists of crushed stone ballast on a graded and compacted subgrade section of earthwork. The ballast and subgrade comprise the foundation that supports the track. Since saturated soils are weaker than dry soils it is necessary to maintain this foundation free of excess water. The ballast is the coarse material between and under the ties that provides vertical and lateral support. Pore space in the ballast allows water to freely drain away from the ties and into drainage ditches, which carry it away from the track. Soil that is washed and/or blown in can provide adequate seedbed areas for germination and plant growth. During plant development, fibrous root systems appear which expand through the ballast and accumulate additional soil. The fibrous roots of most plants are continuously dying and renewing themselves adding decaying plant material to the accumulating soil. This mixture of soil and composted plant material holds moisture and provides a seedbed for new plants. The drainage capacity of the

ballast becomes greatly reduced and moisture is retained around the ties for an extended period of time which contributes to their accelerated decay. During rain and in poorly drained areas, the fouled ballast can retain enough moisture to become saturated. Under these saturated and weakened soil conditions the loadings imposed by the wheels of a train can cause the weakened ballast and subgrade to "pump". The repeated pumping cycles eventually will cause the track to settle and create defects in the track geometry that can lead to a derailment. The track deflection can also cause fatigue of the steel rails and joint bars causing them to crack and fail.

In dry weather, vegetation within the roadbed is easily set on fire by sparks from steel brake shoes on steel wheels. The exhaust from diesel locomotives is another source of sparks, particularly as the throttle position is being increased or decreased. Track

severity of accidents and incidents. The primary method for controlling those caused by track and roadbed defects is the federally mandated weekly or twice weekly visual inspections by a qualified track inspector. These inspections are normally done from a hi-rail vehicle supplemented, when necessary, by walking inspections of switches and other specialized track work. It is essential that the railroad roadbed be kept weed free to provide the track inspector with unobstructed views of the track structure including rails, ties, and fasteners. Vegetation within the railroad roadbed increases the probability that a track or roadbed defect will go undetected resulting in greater potential for an accident or incident. For this reason, FRA regulations (CFR 49 Part 213.37) require that vegetation be managed so as not to interfere with the track inspector's duties.

Vegetation in the roadbed hinders other methods of track inspection as well. Railroads employ electronic rail testing equipment to periodically test rails for internal defects. This testing is done by special rail cars that establish a magnetic field around the rail. Vegetation adjacent to and above the rails hinders this process and can result in an invalid test or cause the operator to allow a defect to go undetected. Other special rail cars measure track geometry parameters such as surface, line, and gage. These geometry measurements are often done optically using non-contact equipment which can be disrupted by vegetation between the rails causing errors in the measurements.

The Federal Government and Commonwealth of Massachusetts Government have recognized the importance of safety and have a variety of laws and regulations governing the condition of railroad ROW's. Federal law requires railroads to control vegetation and 49 C.F.R. Subsection 213.37 specifically states:

1) Reportable accidents do not include accidents with property damage less than the reporting threshold. In 2015 and 2016 the reporting threshold was \$10,500 and in 2017 thru 2019 the reporting threshold was \$10,700.

Vegetation on railroad property which is on or immediately adjacent to roadbed shall be controlled so that it does not -

- (a) Become a fire hazard to track carrying structures;*
- (b) Obstruct visibility of railroad signs and signals:*
 - (1) Along the right-of-way, and*
 - (2) At highway-rail crossings;*
- (c) Interfere with railroad employees performing normal trackside duties; (d) Prevent proper functioning of signal and communication lines; or (e) Prevent railroad employees from visually inspecting moving equipment from their normal duty stations.*

The regulatory intent is specific: the safety of the railroad must be guaranteed through inspection, maintenance, and repair of the ROW. Maintenance and inspection require proper vegetation managed. Clearly, each railroad is obligated to maintain their ROWs, which includes but is not limited to vegetation management, or be in violation of law and regulations, and subject to liability and fines.

IV. INTEGRATED VEGETATION MANAGEMENT

Integrated Vegetation Management (IVM), as performed by the railroads, involves careful planning, organizing and implementing an overall program involving all operational departments and personnel, so that all possible techniques of vegetation management will be utilized. By identifying and coordinating routine or operational

hazard.

- Manual weed control around the ties and rails has provided some short-term effectiveness but is extremely labor intensive and requires extended amounts of track time which is often not available and can also be dangerous in areas of high-speed train movements.

As a result, the integrated approach to vegetation management in these areas is limited to the selective application of herbicides to target vegetation along with management obtained through track maintenance activities.

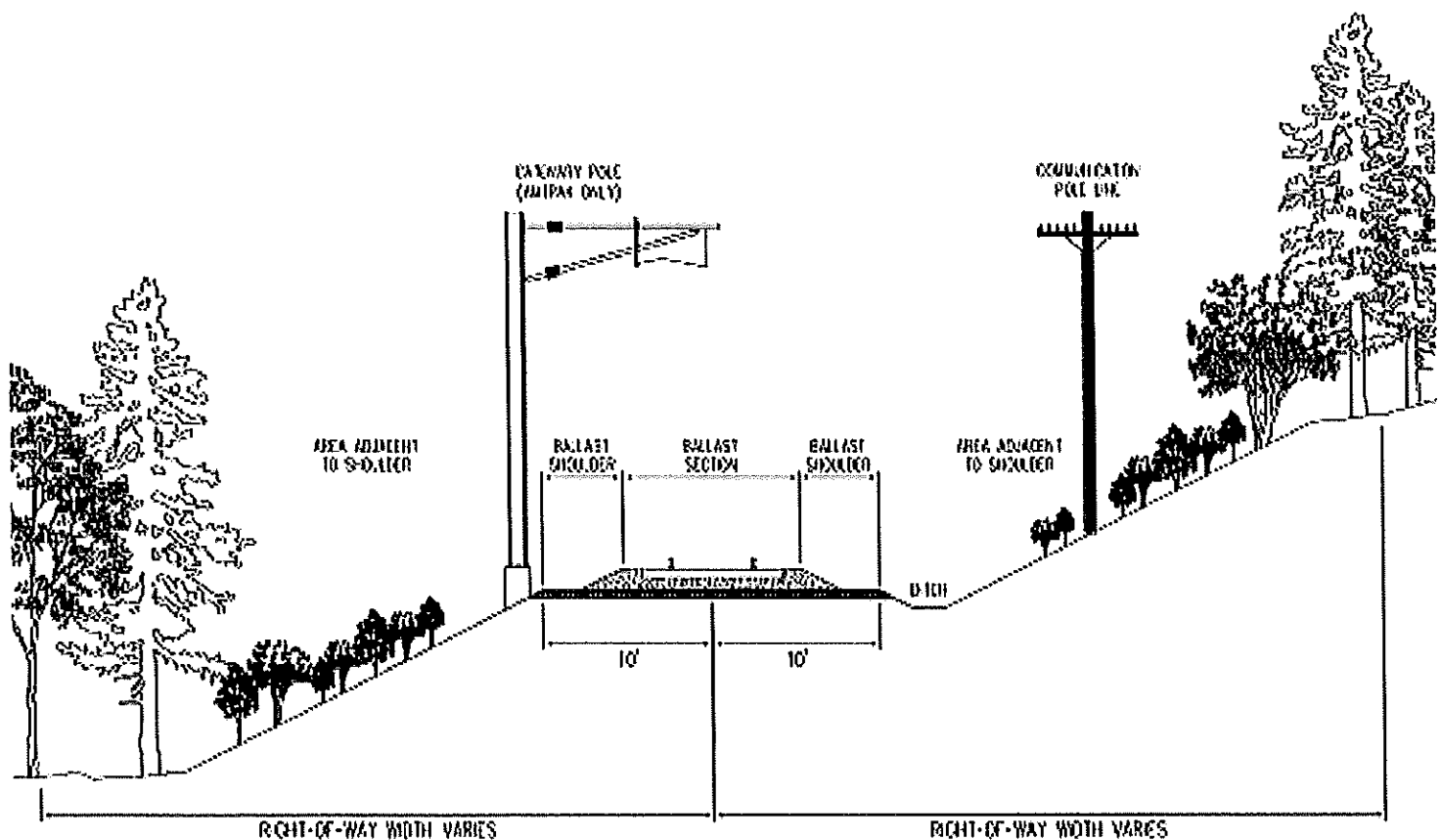
The use of herbicides, however, continues to drop as the result of new technologies in application equipment. Spray booms are independently controlled according to left side, center, and right side allowing the operator to shut off the application to areas lacking target vegetation. These independent spray booms also allow the operator to precisely apply the herbicides in buffer zones of wetland resource areas by reducing the width of the spray pattern and applying herbicides only to areas that are outside of the required setback distances. In addition, the operator has the ability to adjust the pressure settings to compensate for the speed of travel which prevents over-application of herbicides. When herbicide use is needed, the type and density of vegetation, site conditions, and the time of year will be factors in

determining the herbicide type, application rate, adjuvants, and application equipment. In railroad yards and on certain heavily vegetated areas of the ROW preemergence herbicides can be applied which often eliminates a postemergence treatment that same year. Each herbicide treatment will be tailored to the specifics of the site, proximity to sensitive areas, type of vegetation, and local environmental factors. The specific details will be included in each YOP.

In areas, such as those adjacent to the ROW roadbed, where total elimination of vegetation is not required, various selective vegetation control techniques are practiced in order to increase competition for light and growing space with desirable species by selectively eliminating woody species. Shrubs, grasses, and sedges are desirable species (non-target) which can be tolerated on the adjacent area and will be selectively managed. By selectively removing these target species by cutting or herbicide treatments, the non-target species will be allowed to remain. If a target species capable of re-sprouting, is cut or mowed, a cut stump treatment can be applied to prevent sprouting and reduce the need for further herbicide applications. The selective elimination of woody and brush species is site, species, and density dependent. The selection of technique will also take into consideration the preservation and enhancing of non-target desirable species. A preemergence herbicide would typically not be used in these areas.

In certain adjacent areas of the ROW, branches and limbs of trees grow into or have the potential to fall into the roadbed area striking trains or fouling overhead communication lines. In these cases, the tree will not be eliminated if a selective side trimming of the encroaching limbs can be made from an aerial cutting mechanism. Selective side trimming will be done on a site by site basis according to the type and density of target vegetation present and its propensity to invade the roadbed area or foul communication or electrical lines. Trees and brush on the ROW, which act as a buffer between the adjacent property and ROW, will only be managed if they will interfere with the function and safety of the ROW. Selective vegetation management increases desirable vegetation, helps prevent erosion, and is aesthetically pleasing to adjacent property owners.

The railroad's VMP is an integrated program which does not rely on a fixed application schedule or application of herbicides in all areas. The ROW will receive



A. Roadbed

Figure 1 depicts a typical single-track railroad ROW. The roadbed is a man made structure which consists of the rail and ties, ballast, ballast shoulder, and its drainage system. The ballast and ballast shoulder are constructed of stone ballast that supports the track. It distributes the load of the track evenly and drains water away from the roadbed. The roadbed drainage system is constructed to carry water draining out of the ballast away from the track. The roadbed portion of the ROW requires total elimination of

B. Bridges

Open deck bridges, such as some over water, will not be treated. Roadbed approaches to bridges will be treated up to the abutment backwall, reduced as necessary to maintain required setbacks to sensitive areas. Stonework in bridge abutments and similar structures must be treated because plant roots can loosen and destroy mortar in cracks. The area under bridges will be maintained in low growing vegetation.

C. Culverts

Culverts are generally constructed with steel pipe, concrete pipe, or stone and are normally placed at right angles to the track. Culverts which are not of sufficient length to extend beyond the roadbed spray pattern plus required buffer, or which are shallow to the roadbed and constructed of stone and could allow herbicide to enter a watercourse, will not be treated.

D. Ditches

Drainage ditches must be maintained free of vegetation and other obstructions to permit the flow of water away from the ballast and track structure and maintain a stable roadbed. Ditches will be maintained by mechanical means and/or by herbicide applications when no water is present.

E. ROW Area Adjacent to the Shoulder

Railroad facilities include offices, maintenance buildings and signal towers, usually within yards. It also includes storage and fueling areas for vehicles and maintenance-of-way equipment as well as off-track areas that are not accessible from rail, such as material storage yards and electrical substations. Railroad yards and facilities must be maintained free of vegetation to allow safe and efficient operation, reduce fire hazards, and permit proper inspection of railroad tracks and equipment. Whenever possible these yards and facilities are treated as if they were part of the ROW.

VI. VEGETATION MANAGEMENT TECHNIQUES

The railroads' Vegetation Management Program is defined and limited by the construction of the privately owned ROW. The individual components of the railroad ROW as described in Section V, have two distinctly different vegetation management requirements. On the ROW roadbed and other specialized areas, no vegetation is permitted as per Federal and Massachusetts laws and regulations. On the adjacent areas of the ROW, certain woody, vine, and brush species must be

selectively managed. Therefore, unlike other ROWs, the methods of railroad ROW management is limited to two direct techniques, mechanical and chemical (herbicide applications), as well as a number of indirect methods.

A. Mechanical Techniques

Mechanical cutting techniques are limited to woody and brush vegetation and will include only those target trees that interfere with safe railroad operations. Mechanical techniques are used in the areas adjacent to the roadbed. Mechanical control will remove unwanted woody vegetation in areas restricted for herbicide application. Tall trees and brush growing adjacent to the roadbed interfere with catenary and communication lines, reduce visibility, and intrude into the track zone.

Mowing is the mechanical process of cutting a woody target species with cutting heads mounted on equipment with hydraulic arms. These various machines can be off-track or on-track equipment. On-track equipment is often used for routine brush cutting since it can be quickly mobilized into a work area without the need for a dedicated access road and because these machines operate on the rails there is little disturbance to sensitive areas, desirable vegetation or the surrounding soil. Off-track equipment is often used for larger tree clearing projects or capital improvements but has the disadvantage of being more intrusive on the surrounding landscape. Mechanical cutting of brush with on track machinery as part of routine maintenance practices ensures that trees rarely grow large enough to require off-track equipment. The disadvantages of on-track equipment is that they sometimes cannot maneuver well around pole lines, signal cases and other facilities. In addition, they are limited in their reach and must occupy the tracks upon which they are working which provides limited time for work on busy rail lines such as those with frequent passenger service.

Some mechanical cutting equipment also has a distinct disadvantage when working in heavily developed or recreational areas due to the flying sticks and debris that often results from the work. These types of machines are not suitable for cutting in close proximity to most inhabited areas.

B. Herbicide Application

Weed control on the roadbed is accomplished using an on-track vehicle which has the advantage of not having to operate over rough terrain and can easily access areas between multiple tracks that would be otherwise difficult to reach with off-track equipment. These hi-rail trucks have a rear-mounted boom located approximately 18 inches above the ground with multiple spray

nozzles fixed along the length of the boom (see Figure 2). The boom is divided into three sections which can be independently controlled, allowing the truck operator to apply the herbicide in a precise spray pattern even in close proximity to sensitive areas. Spray nozzles are equipped with spring loaded shut-off valves to prevent dripping when the pressure is turned off.

Herbicide sprayed from hi-rail trucks is applied at low pressure, typically between 30 and 40 pounds per square inch (PSI) depending upon the anticipated speed of travel. Low pressure as defined by CMR 333 11.02 shall be under 60 PSI.

FIGURE 2
TYPICAL ON-TRACK HERBICIDE SPRAY BOOM

a. Preemergence Herbicide Program

The pre-emergent herbicide program is directed primarily to the yard areas and incorporates IVM to minimize the amount of herbicide used. This program is especially important with regards to employee safety because most employee activities take place within the yards. The scheduling of a main line or yard track section for a preemergence herbicide application will depend on a review of the previous year's vegetation density and management efforts and an estimate of vegetation density for the upcoming season.

Preemergence herbicide applications within the yards may be accomplished from either a hi-rail spray truck or an off-track vehicle but in either case favorable weather conditions are required. In Massachusetts this work may

which may include mowing. Traditionally, the herbicide is manually painted or sprayed directly onto the cut stump surface. Both stem and cut surface applications are found to be effective year-round.

3. Summation

In order to provide for safe railroad operations and comply with federally mandated maintenance practices the roadbed portion of the ROW requires complete elimination of vegetation around the rail, ties, ballast and ditches. The only suitable method found to be effective in the roadbed is the selective use of herbicides. In sensitive areas such as buffer zones to wetland resources, drinking water supplies and inhabited or agricultural areas, the use of sensitive area materials, as found on the Massachusetts Sensitive Area Materials List, has been found to be effective at achieving these goals. Herbicide applications in these areas, when undertaken in strict accordance with the Rights of Way Management regulations (333 CMR 11.00) and under an approved VMP are considered not to alter the sensitive resource areas. Since herbicides are available in a wide variety of dry and liquid forms, the railroad may select the most efficacious herbicide for that particular site and target vegetation. Thus, the target plant may be selectively managed while minimizing impacts on non-target, desirable species. Limited, selective application of herbicides minimizes the chance of unreasonable adverse effects to the public and the environment. Herbicides provide the most reliable and generally safe method to prevent and remove weeds that interfere with safe railroad operations.

C. Indirect Methods

Indirect methods of vegetation management include any ROW operational or maintenance activity that eliminates vegetation as a secondary benefit. As described in more detail in Section IV. Integrated Vegetation Management, these routine maintenance activities include:

- replacement of ties;
- changing of rails;
- track surfacing (including ballast placement);
- maintenance of ditches and drainage facilities;
- signal & communication system repairs; and
- catenary system repairs and maintenance.

By themselves these activities can reduce vegetation on the ROW to acceptable levels which may preclude the need for mechanical cutting or herbicide applications in those specific areas where the work took place.

VII. SENSITIVE AREAS

Sensitive Areas have been defined in the Commonwealth of Massachusetts Regulation 333 CMR 11.00. A copy of the regulations is included in Appendix "C" of the VMP and a Sensitive Area Restriction Guide (Table 1) is included at the end of this section. Sensitive areas include any areas within the ROW including No Spray Area, and Limited Spray Area as defined below.

No Spray Area, any area that is both within a Right-of-Way and within:

- (a) any Zone I;

mapping tool. Areas not covered are clearly identified in the field and mapped accordingly.

Local sources of specific information included the Conservation Commissions, Water Departments, and Boards of Health. Private wells on record in the DAR's Private Well Registry will be delineated. The identification and delineation of private wells in the Commonwealth of Massachusetts is an ongoing process. In addition to the registry a yearly written inquiry to the Board of Health in each municipality, regarding the existence of any new and/or omitted private wells, is included in the Yearly Operational Plan mailing.

Prior to field delineations topographic maps are marked identifying the locations of public wells and water supplies. The specific locations are obtained from MassGIS overlay maps provided by the DEP and the Drinking Water Program.

B. Identification and Delineation of Wetlands

The following definition and description is taken from the Wetlands Protection Act Regulations 310 CMR 10.55 (2):

(2) Definition, Critical Characteristics and Boundary

(a) **Bordering Vegetated Wetlands** are freshwater wetlands which border on creeks, rivers, streams, ponds and lakes. The types of freshwater wetlands are wet meadows, marshes, swamps and bogs. **Bordering Vegetated Wetlands** are areas where the soils are saturated and/or inundated such that they support a predominance of wetland indicator plants. The ground and surface water regime and the vegetational community which occur in each type of freshwater wetland are specified in M.G.L. c. 131, § 40.

(b) The physical characteristics of **Bordering Vegetated Wetlands**, as described in 310 CMR 10.55(2)(a), are critical to the protection of the interests specified in 310 CMR 10.55(1).

(c) The boundary of **Bordering Vegetated Wetlands** is the line within which 50% or more of the vegetational community consists of wetland indicator

plants and saturated or inundated conditions exist. Wetland indicator plants shall include but not necessarily be limited to those plant species identified in the Act. Wetland indicator plants are also those classified in the indicator categories of Facultative, Facultative+, Facultative Wetland-, Facultative Wetland, Facultative Wetland+, or Obligate Wetland in the *National List of Plant Species That Occur in Wetlands: Massachusetts (Fish & Wildlife Service, U.S. Department of the Interior, 1988)* or plants exhibiting physiological or morphological adaptations to life in saturated or inundated conditions.

1. Areas containing a predominance of wetland indicator plants are presumed to indicate the presence of saturated or inundated conditions. Therefore, the boundary as determined by 50% or more wetland indicator plants shall be presumed accurate when:

- a. all dominant species have an indicator status of obligate, facultative wetland+, facultative wetland, or facultative wetland- and the slope is distinct or abrupt between the upland plant community and the wetland plant community;
- b. the area where the work will occur is clearly limited to the buffer zone; or
- c. the issuing authority determines that sole reliance on wetland indicator plants will yield an accurate delineation.

useful for disturbed sites and drier wetlands lacking typical wetland plants.

Topographic depressions where water collects, or where the water table is close to the surface, usually allow the development of wetlands. The boundary of a wetland in a low, flat area surrounded by hilly terrain often corresponds to the "break" in the slope, or the point at which the land begins to flatten.

Once the boundary of a wetland has been established distances will be measured to establish appropriate no-spray and buffer zones. Permanent boundary markers will be installed along the ROW and color-coded in order to indicate the proper spray status of the area to the herbicide applicator.

3. Approval of Findings

The Conservation Commission of each municipality is given the opportunity to observe and inspect the resource boundary markers. A request for a

determination of applicability is filed with each Conservation Commission pursuant to the Wetland Protection Act regulations, 310 CMR 10.05 (3)a.2. Form 1 is accompanied by a map of the ROW indicating the location of the boundary markers on the track and type of delineation that was made. These determinations are effective for the duration of the VMP as specified in 310 CMR 10.05 (3)(b)(1).

Data relating to the following is submitted to the Conservation Commission in each town as part of the Yearly Operational Plan:

- a. maps, or updates thereof, locating the ROW and sensitive areas not readily identifiable in the field;
- b. herbicides proposed including application rates, carriers, adjuvants; c. herbicide application techniques and alternative control procedures proposed;
- d. the company which will perform any herbicide treatment;
- e. identification of target vegetation;
- f. individual representing applicant supervising YOP;
- g. flagging methods to designate sensitive areas on the ROW;
- h. herbicide Fact Sheets as approved by the Department; and
- i. procedures and locations for handling, mixing, and loading of herbicide concentrates.

D. Operational Strategies and Procedures

Vegetation control procedures within the railroad ROW will be made consistent with all state and Federal regulations. The general vegetation control strategies will exclude the use of herbicides in any application that would result in drift to:

- (a) any Zone I;
- (b) 100 feet of any Class A Surface Water Source;
- (c) 100 feet of any tributary or associated surface water body where the tributary or associated surface water body runs within 400 feet of a Class A surface water source;
- (d) 10 feet of any tributary or associated surface water body where the tributary or associated surface water body is at a distance greater than 400 feet from a Class A surface water source;
- (e) a lateral distance of 100 feet for 400 feet upstream, on both sides of the river, of a Class B Drinking Water Intake;

Public Ground Water Supply	Within 400 feet (Zone I)	Zone II or IWPA (Primary Recharge Area); 24 months must elapse between applications; Selective low pressure, using foliar techniques or basal or cut-stump applications	YOP Maps
Public Surface Water Supply	Within 100 feet of any Class A public surface water source	100 feet to the outer boundary of the Zone A; 24 months must elapse between applications; Selective low pressure, using foliar techniques or basal or cut-stump applications	YOP Maps

	No Spray Area	Limited Spray Area	Where Identified
	Within 10 feet of any tributary or associated surface water body located outside of the Zone A	10 feet to the outer boundary of the Zone A; 24 months must elapse between applications; Selective low pressure, using foliar techniques or basal or cut-stump applications	
	Within 100 feet of any tributary or associated surface water body located within the Zone A of a Class A public surface water source		
	Within a lateral distance of 100 feet for 400 feet upstream of any Class B Drinking Water Intake	Within a lateral distance of between 100 - 200 feet for 400 feet upstream of intake; 24 months must elapse between applications; Selective low pressure, using foliar techniques or basal or cut-stump applications	

taken to protect these areas. The treatment methods prescribed in each sensitive area buffer zone will be reviewed and, whenever possible, a mechanical or more selective herbicide application prescribed. No-spray areas will be reviewed as to the overall vegetation conditions occurring, and mechanical methods will be used to selectively remove or side trim trees leaning into the roadbed area. New and developing vegetation control techniques will be reviewed to determine whether or not a suitable alternative to herbicide applications has been developed for use on the roadbed in sensitive areas.

This analysis will provide the site-specific information required in the YOP. The YOP will be developed and submitted to DAR for approval as per 333 CMR 11.06(1).

B. Preparation for Herbicide Application

At least a 21-day notice prior to the scheduled application date, will be given to the Department of Agricultural Resources, Conservation Commission, Board of Health, Mayor, and local public water suppliers in each community following Massachusetts State regulations.

Prior to the scheduled application date, a railroad employee or designated representative experienced in vegetation management and related regulations will traverse the treatment area with the sensitive area maps and records to ensure that all boundary markers are in place, accurate and visible.

1. Basic Requirements

To protect the public welfare and eliminate adverse impacts on the environment, railroad herbicide application crews must have an applicator who is licensed and certified in the Commonwealth of Massachusetts under category 40 for rights of way. Applicators must also have a Field Supervisor who reports daily to the railroad representative or other qualified railroad employee who is assigned to this task. The railroad is responsible for adherence to this VMP by railroad employees or their contractor. Applicators must follow all railroad safety regulations and all herbicide label directions.

a. Daily Field Report of Vegetation Control Activities

The daily field report of Vegetation control activities will be filled out each day by operators doing the work. The daily field report will include, but not be limited to:

- Date
- Vehicle and Equipment Numbers
- Track Name, Number, and Designation

Herbicide(s) Applied

- Chemical Name - Vehicle Number
 - Number of Containers - Number of Containers
 - Quantity lbs./gals. - Quantity lbs./gals.
- Chemical Left or Forwarded

Weather

- Wind Velocity at time 6am 9am 12pm 3pm 6pm

The applicator will not handle, mix or load herbicide concentrate on a ROW within 100 feet of a sensitive area. Whenever possible, the applicator will handle, mix, or load herbicide while parked on a non-porous surface such as concrete or asphalt, but not within 100 feet of a sensitive area.

At the time of treatment, before the application begins, the herbicide applicator will review the sensitive areas, maps, and records with a qualified railroad employee. A pilot vehicle, if used, will proceed through the area approximately ¼ mile ahead of the spray vehicle to alert the spray vehicle of the presence of persons on or adjacent to the ROW or any other pertinent conditions. The railroad representative will alert the operator of the spray vehicle about the location of boundary markers or sensitive areas readily identifiable in the field so that the application can be regulated accordingly. In no-spray areas, as the applicator passes the boundary, he will visually verify that no herbicide is deposited in the area with the assistance of another employee.

When drawing water for mixing of herbicides an approved anti-siphon device shall be used when attached to municipal potable water systems or from surface waters of the Commonwealth in accordance with 333 CMR 13.02(1) (a) and (b).

IX. ALTERNATIVE LAND USE

The railroad will review and evaluate new and innovative alternative land uses on the ROW. Safety considerations preclude most alternative land uses on the railroad ROW. The size, weight, and speed of trains and their cargoes being transported are hazardous to any activity inside the ROW boundary. Even agricultural activities might interfere with the operation of the railroad by reducing visibility to inspect trains and impeding drainage away from the ballast area.

Some uses of the ROW that are compatible with railroad uses include construction and maintenance of electric distribution and transmission lines, telephone lines, and cable TV lines. Other uses that may be used on wider railroad ROW's are sewer and water lines and major pipelines.

Parties interested may submit alternative land use proposals for the railroad's consideration. A list of addresses for railroads participating in this plan may be found in Appendix B.

X. REMEDIAL PLAN TO ADDRESS SPILLS AND RELATED ACCIDENTS

This remedial plan is offered as a guide to proper procedures for addressing pesticide accidents. The railroads contract with independent, licensed, herbicide applicators that are solely responsible for the containment, clean up, and reporting of all accidents and/or spills. Since every incident is different, applicators must weigh factors specific to the situation and use their own judgment to decide the appropriate course of action. The railroad employee escorting the applicator will be responsible for reporting all spills, to their supervisor, immediately.

Federal and state statutes establish emergency response procedures that must be followed by the companies and their contractors in the event of a spill or related accident. Under the Federal Environmental Pesticide Control Act, it is the applicator's

Ohio), U.S. Department of Transportation "1987 Emergency Response Guidebook" (available from UNZ and Company, Jersey City, New Jersey), herbicide labels, and SDS provide reference information for the chemicals being used.

In the event of a spill or emergency, information on safety precautions and cleanup procedures may be gathered from herbicide labels, herbicide fact sheets, and SDS. The following contact numbers are provided in case of a spill or emergency:

Herbicide Manufacturer

Bayer Environmental Science (800) 331-2867 Corteva Agriscience (800)
258-3033 Monsanto (800) 332-3111 Nufarm Americas (800) 345-3330

Massachusetts Pesticide Bureau (617) 626-1700 Massachusetts DEP
Emergency Response (888) 304-1133 ChemTrec (800) 424-9300 EPA National
Pesticide Information Center (800) 858-7378 Massachusetts Poison Control
Center (800) 222-1222

XI. IDENTIFICATION AND QUALIFICATIONS OF INDIVIDUALS DEVELOPING THE PLAN

This 2021-2025 edition of the Vegetation Management Plan was edited and updated by Mr. Thomas Lewis and Mr. Wayne Duffett of TEC Associates, a civil engineering firm located in South Portland, Maine. Mr. Lewis has a B.S. in civil engineering and is the former Chief Engineer – Track of the Providence and Worcester Railroad Company. Mr. Lewis has twenty-three years of experience in railroad track & structures maintenance including the Massachusetts Rights-of-Way Management regulations. Mr. Duffett has a B.S. in civil engineering and is a licensed professional engineer in Maine, Connecticut, New York, and Pennsylvania. He has thirty-two years of experience with the Massachusetts Rights-of-Way Management regulations. TEC Associates assists seven railroads in Massachusetts with their implementation and adherence with the regulations.

APPENDIX "A"

MUNICIPALITIES AFFECTED BY THIS PLAN LISTED BY RAILROAD

MUNICIPALITIES AFFECTED BY THIS PLAN BY RAILROAD PAGE 1 OF 1

AMTRAK

Attleborough Dedham Mansfield Westwood
Boston Foxborough Sharon
Canton Longmeadow Springfield

GRAFTON & UPTON RAILROAD

GRAFTON & UPTON RAILROAD
42 WESTBORO ROAD
NORTH GRAFTON, MA 01536
(508) 481-6095
jdewaele@graftonuptonrr.com

C. MR. MATT BOARDMAN

HOUSATONIC RAILROAD COMPANY
1 RAILROAD STREET
CANAAAN, CT 06018
(860) 824-0850
m.boardman@hrrc.com

D. MR. DAVID ROY, OPERATIONS MANAGER

MASSACHUSETTS CENTRAL RAILROAD
850 SOUTH BARRE ROAD
SOUTH BARRE, MA 01074
(978) 355-0029
droy@masscentralrr.com

E. MR. CHRIS PODGURSKI

MASSACHUSETTS COASTAL RAILROAD
12 HARDING STREET, SUITE 201
LAKEVILLE, MA 02347
(508) 291-2116
cpodgurski@masscoastal.com

F. MR. CHAD BOUTET

NEW ENGLAND CENTRAL RAILROAD
TWO FEDERAL STREET
ST. ALBANS, VT 05478
(802) 527-3613
chad.boutet@gwrr.com

VARIATIONS FROM BASIC PLAN PAGE 2 OF 8

G. MR. CHAD BOUTET

PROVIDENCE & WORCESTER RAILROAD COMPANY
75 HAMMOND STREET
WORCESTER, MA 01610
(508) 755-4000
chad.boutet@gwrr.com

2. SENSITIVE AREA MARKERS

Sensitive area markers presently in use may be one or any combination of the

- following: a. Plates: Color coded metal plates nailed to the railroad ties
- b. Paint: Paint applied to the web or base of the rails and ties
- c. Posts: Color coded posts adjacent to the track

C. HOUSATONIC RAILROAD COMPANY

D. MASSACHUSETTS CENTRAL RAILROAD

E. MASSACHUSETTS COASTAL RAILROAD

G. PROVIDENCE AND WORCESTER RAILROAD

APPENDIX "C"

333 CMR 11.00 RIGHTS-OF-WAY MANAGEMENT

333 CMR: PESTICIDE BOARD

333 CMR 11.00: RIGHTS OF WAY MANAGEMENT

Section

- 11.01: Purpose
- 11.02: Definitions
- 11.03: General Provisions
- 11.04: Sensitive Area Restrictions
- 11.05: Vegetation Management Plan (VMP)
- 11.06: Yearly Operational Plan (YOP)
- 11.07: Public Notification
- 11.08: Notice of Modification and Revocation
- 11.09: Right-of-appeal
- 11.10: Penalties
- 11.11: Rights-of-way Advisory Panel

11.01: Purpose

The purpose of 333 CMR 11.00 is to establish a statewide and uniform regulatory process which will minimize the uses of, and potential impacts from herbicides in rights-of-way on human health and the environment while allowing for the benefits to public safety provided by the selective use of herbicides. Specific goals of 333 CMR 11.00 are to:

- (1) Ensure that an Integrated Pest Management (IPM) approach to vegetation management is utilized on all rights-of-way covered by 333 CMR 11.00.
- (2) Establish standards, requirements and procedures necessary to prevent unreasonable risks to humans or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide.
- (3) Ensure ample opportunity for public and municipal agency input on potential impacts of herbicide application to rights-of-way in environmentally sensitive areas.
- (4) Establish a mechanism for public and municipal review of rights-of-way maintenance plans.

11.02: Definitions

For the purposes of 333 CMR 11.00, unless the context clearly requires otherwise, the following definitions shall apply:

Agricultural Area includes, but is not limited to, actively cultivated gardens, greenhouses, orchards, fields, pastures, and other areas under cultivation or agricultural management.

Applicant, any person representing any federal, state or local government or agency, utility, railroad or pipeline, that intends to maintain a right-of-way in the Commonwealth by application of herbicides.

- (d) a lateral distance of between 100 and 200 feet for 400 feet upstream, on both sides of the river, of a Class B Drinking Water Intake;
- (e) a distance of between 50 and 100 feet of any identified Private Well;
- (f) a distance of between 10 and 100 feet of any Wetlands or Water Over Wetlands; (g) a distance of between ten feet from the mean annual high water line of any river and the outer boundary of the Riverfront Area;
- (h) a distance of between ten feet from any Certified Vernal Pool and the outer boundary of any Certified Vernal Pool Habitat; and
- (i) a distance of 100 feet of any Agricultural or Inhabited Area.

Low Pressure, pressure under 60 pounds per square inch (psi).

Maps, United States Geological Survey maps of scale 1:25,000 or other maps, as determined by the Department, which are of such accuracy and scale to provide sufficient detail so that sensitive areas can be delineated.

NHESP, the Natural Heritage and Endangered Species Program within the Massachusetts Division of Fisheries and Wildlife.
333 CMR: PESTICIDE BOARD

No-spray Area, any area that is both within a Right-of-Way and within:

- (a) any Zone I;
- (b) 100 feet of any Class A Surface Water Source;
- (c) 100 feet of any tributary or associated surface water body where the tributary or associated surface water body runs within 400 feet of a Class A surface water source; (d) ten feet of any tributary or associated surface water body where the tributary or associated surface water body is at a distance greater than 400 feet from a Class A surface water source;
- (e) a lateral distance of 100 feet for 400 feet upstream, on both sides of the river, of a Class B Drinking Water Intake;
- (f) 50 feet of any identified Private Well;
- (g) ten feet of any Wetlands or Water Over Wetlands;
- (h) ten feet of the mean annual high-water line of any river; and
- (i) ten feet of any Certified Vernal Pool.

Person, an individual, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or its political subdivisions, administrative agencies, public or quasi-public corporation or body, or any other legal entity or its legal representatives, agent or assignee, or a group of persons.

Person Aggrieved, any person who, because of an act or failure to act by the Department may suffer an injury in fact which is different either in kind or magnitude from that suffered by the general public and which is within the scope of the interests identified in 333 CMR 11.00. Such person must specify in writing sufficient facts to allow the Department to determine whether or not the person is in fact aggrieved.

Private Well, any private drinking water supply identified by the local Board of Health, the well owner or the Department of Agricultural Resources.

Private Well Registry, a registry of private wells located within 100 feet of a right-of-way which is maintained by the Department of Agricultural Resources. Homeowners must notify the Department by completing a registration form which is available directly from the Department or online at the Department website.

Public Water Supplier, as defined at 310 CMR 22.02(1), any person who owns or operates a public water supply system.

Vegetation Management Plan (VMP), a long term management plan for the applicant's right-of-way system which describes the intended program for vegetation control over a five year period.

Vernal Pool, see Certified Vernal Pool.

Water Over Wetlands, the ocean or any estuary, lake or pond as defined at 310 CMR 10.04.

Wetlands, any of the following areas as defined in 310 CMR 10.02(1)(a), (b), (c) and (f):

(a) Any bank, any freshwater wetland, any coastal wetland, any beach, any dune, any flat	any marsh, or any swamp; bordering on the ocean any estuary	any creek any river any stream any pond or any lake
------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------	-----------------------------------------------------------

(b) Land under any of the water bodies listed in 333 CMR 11.02: Wetlands(a); and

(c) Land subject to tidal action.

333 CMR: PESTICIDE BOARD

Wetlands Determination, a written determination of the boundaries of Wetlands and boundaries of areas within 100 feet of Wetlands in accordance with the regulations of the Department of Environmental Protection (DEP) at 310 CMR 10.05(3)(a)1. and 2. 310 CMR 10.03(6)(b) requires applicants not eligible for a public utility exemption to submit these determinations with their VMPs if they will apply herbicides within 100 feet of wetlands and will not submit a Notice of Intent under M.G.L. c. 131, § 40, the Wetlands Protection Act. In order to obtain a Wetlands Determination, the applicant should submit a request to the conservation commission on maps of a scale that will enable the conservation commission or Department of Environmental Protection to find and delineate the boundaries of Wetlands and buffer zones within the vicinity of the right-of-way herbicide management area. To be considered "valid", the Wetlands Determination should be made no sooner than six months immediately prior to the submission of the Vegetation Management Plan. The Wetlands Determination shall cover the period of the Vegetation Management Plan only and shall expire at the end of the five year period of that Vegetation Management Plan.

Yearly Operational Plan (YOP), the yearly operational plan which describes the detailed vegetation management operation for the calendar year consistent with the terms of the long term Vegetation Management Plan.

Zone A, as identified on the most current available maps prepared by the Department of Environmental Protection, the protective land area for a Surface Water Source, Class A water source, Tributary, or Associated Surface Water Body defined in 310 CMR 22.02 as:

- (a) the land area between the Class A surface water source and the upper boundary of the bank;
- (b) the land area within a 400 foot lateral distance from the upper boundary of the bank of a Class A surface water source, as defined in 314 CMR 4.05(3)(a); and
- (c) the land area within a 200 foot lateral distance from the upper boundary of the bank of a Tributary or Associated Surface Water Body.

Zone I, as identified on the most current available maps prepared by the Department of Environmental Protection and as defined at 310 CMR 22.02, the protective radius required around a public water supply well or wellfield. For public water system wells with approved yields of 100,000 gallons per day (gpd) or greater, the protective radius is 400 feet. Tubular wellfields require a 250 foot protective radius. Protective radii for all other public water system wells are determined by the following equation: Zone I radius in feet = $(150 \times \log \text{ of pumping})$

- (a) obtained a current list of identified Private Wells within 100 feet of the right-of-way from the Board of Health, or
- (b) obtained a current list of all private wells, within 100 feet of the right of way from the Department of Agricultural Resources private well registry; or
- (c) followed an alternative PrivateWell identification method outlined in an approved YOP.

(13) The applicator shall provide any employee of any state agency, or authority as defined in M.G.L. c. 3, § 39, when such employee is, within a right-of-way, using pesticides, supervising the use of pesticides, or present during the use of pesticides, with personal protective equipment and clothing. Applicators should note that other federal or state laws or regulations pertaining to pesticide applications may require this personal protective equipment to include protections according to Material Safety Data Sheets (MSDS's), the product label, and any other supporting technical data supplied by the manufacturer.

(14) Notwithstanding the provisions of 333 CMR 11.03(2) or other provisions of 333 CMR 11.00, the Department may, at its sole discretion, issue Limited Application Waivers to applicants wishing to apply herbicides to clear or maintain rights-of-way without VMPs or YOPs, but only under the following conditions:

(a) The applicant must demonstrate either:

1. that the application will not occur more than once in a five-year period unless a VMP and a YOP are prepared and all other requirements of 333 CMR 11.00 are met; or 2. that the application is necessary to protect public health or safety.

(b) The applicant must still adhere to all public notification requirements established at 333 CMR 11.07(1) and (3).

(c) The applicant must provide the Department with a letter establishing the concurrence of the chief elected official or board of selectmen of the municipality where the application is to be made.

(d) The applicant may only use herbicides on the Department's "Herbicides Recommended for Use in Sensitive Areas List."

(e) If the application could impact Wetlands, the Department recommends that the applicant send a copy of its application for a Limited Application Waiver to the Department of Environmental Protection's Division of Wetlands and Waterways no less than 21 days before the proposed application.

(f) It should be noted that, with certain exceptions for public utilities, wetlands regulations at 310 CMR 10.03(6)(b) currently require Wetlands Determinations prior to any application within 100 feet of a Wetland.

Limited Application Waivers shall be issued solely at the Department's discretion, and the Department may impose such additional restrictions or conditions on the use of herbicides as it deems necessary to protect public health and the environment.

11.04: Sensitive Area Restrictions

(1) General. In any sensitive area:

(a) No more than the minimum labeled rate of herbicide for the appropriate site, pest, and application method shall be applied.

(b) Herbicides shall only be applied selectively by low pressure, using foliar techniques or basal or cut-stump applications, or other method approved for use by the Department. (c) No person shall apply herbicides for the purpose of clearing or maintaining a right-of way in such a manner that results in drift to any area within ten feet of standing or flowing water in a wetland; or area within 400 feet of a public drinking water supply well; or area within 100 feet of any Class A surface water used as a public water supply; or area within 50 feet of a Private Well.

(d) Only herbicides specified by the Department as acceptable for use in sensitive areas pursuant to the Cooperative Agreement executed between the Department of Agricultural Resources and the Department of Environmental Protection on July 1 and 2, 1987, or future amendments thereto, shall be used in sensitive areas. Applicants proposing to use an herbicide which has been registered for use on rights-of-way but has not yet been evaluated pursuant to the provisions of

Wildlife pursuant to 321 CMR 10.14(12), shall submit all necessary materials required for review pursuant to 321 CMR 10.18.

(b) The management of vegetation within existing utility rights-of-way shall be exempt from the requirements of 321 CMR 10.18 through 10.23, provided that the management is carried out in accordance with a Yearly Operational Plan approved in writing by the Division of Fisheries and Wildlife, pursuant to 321 CMR 10.14(12).

(c) No person shall apply an herbicide within State-listed Species Habitat unless the application is approved by the Division of Fisheries and Wildlife pursuant to 333 CMR 11.04(3)(a) and (3)(b), and such approval is submitted to the Department.

(4) Wetlands, Waters Over Wetlands, Riverfront Areas, and Certified Vernal Pools. (a) No herbicide shall be applied on or within ten feet of a Wetland or Water Over a Wetland, within ten feet of the mean annual high-water line of any River, or within ten feet of any Certified Vernal Pool.

(b) No herbicide shall be applied on or within a distance of between ten feet and 100 feet of any Wetland or Water Over a Wetland, within a distance of ten feet from the mean annual high-water line of any River and the outer boundary of any Riverfront Area, or within a distance of ten feet from any Certified Vernal Pool and the outer boundary of any Certified Vernal Pool Habitat unless:

1. A minimum of 12 months has elapsed since the last application to the site; and 2.

Herbicides are applied selectively by low pressure, using foliar techniques or basal or cut-stump applications.

(c) Notwithstanding 333 CMR 11.04(4)(a) and (b), public utilities providing electric, gas, water, telephone, telegraph and other telecommunication services (and other applicants, if consistent with all relevant provisions of the Massachusetts Wetlands Protection Act and its regulations in effect at the time of application) may apply herbicides on or within ten feet of a Wetland in accordance with the following conditions:

1. Submission of a study, the design of which is subject to prior approval by the Departments of Agricultural Resources and Environmental Protection, evaluating impacts of the proposed vegetation management program utilizing herbicides on or within ten feet of Wetlands, and comparing those impacts to those which would result if only non-chemical control methods were used in these areas. The study must detail vegetation management practices and use patterns specific to those used by the type of entity submitting the study; and

2. A finding by the Department, after consultation with the Rights-of-way Advisory Panel, that the proposed vegetation management program utilizing herbicides on or within ten feet of Wetlands will result in less impacts to the Wetlands than mechanical control.

3. Notwithstanding the above, no herbicides shall be applied on or within ten feet of any standing or flowing water in a Wetland.

(5) Inhabited and Agricultural Areas. No foliar herbicide shall be applied within 100 feet of any Inhabited Area or any Agricultural Area unless:

(a) A minimum of 12 months has elapsed since the last application to the site; and (b) Herbicides are applied selectively by low pressure, using foliar techniques or basal or cut-stump applications.

11.05: Vegetation Management Plan (VMP)

(1) General.

(a) Unless otherwise specified by the Department, all VMPs should be submitted by the applicant no later than September 1 prior to the calendar year of the proposed first year ofst maintenance. All approved VMPs shall be effective for a five year period unless otherwise modified, or revoked by the Department.

(b) The VMP shall be presented on forms and/or format approved by the Department.

3. approval of VMP.

(d) The VMP may be modified, withdrawn or amended by the applicant through a written request sent by certified mail to the Department.

(e) Resubmission of a denied VMP, updating of a VMP, or a significant amendment to an approved VMP shall be processed according to 333 CMR 11.05.

(f) The applicant must send a copy of the approved VMP, or an Internet address where the VMP may be viewed and a note that a hard copy will be provided promptly upon further request, to the chief elected official, Board of Health, and Conservation Commission in each municipality covered by the plan.

(5) Time for Action. Non-action by the Department on a VMP within the time specified in 333 CMR 11.05 does not constitute approval of the submitted plan. In the event that the Department fails to notify the applicant of a decision within the time specified in 333 CMR 11.05(4) and upon written request from the applicant, the Commissioner must issue a finding within ten days of receipt stating the reason for the delay and providing an estimated completion date.

11.06: Yearly Operational Plan (YOP)

(1) General.

(a) The applicant is responsible for the accuracy and completeness of all information submitted with the YOP. The YOP shall be consistent with the objectives of the VMP and shall describe the intended operational program for that calendar year.

(b) The YOP shall be presented on forms and in a format approved by the Department.

(2) Requirements. The YOP shall include but not be limited to the following:

(a) Maps locating the rights-of-way and sensitive areas not readily identifiable in the field; (b) Herbicides proposed including Environmental Protection Agency (EPA) Registration numbers, application rates, carriers and adjuvants;

(c) Herbicide application techniques and alternative control procedures proposed. (d) The name, address and phone number of the company which will perform any herbicide treatment;

(e) Identification of target vegetation;

(f) The name, address and phone number of the individual representing the YOP applicant; (g)

Description of methods used to flag or otherwise designate sensitive areas on the right of-way;

(h) Herbicide Fact Sheets as approved by the Department; and

(i) Procedures and locations for handling, mixing and loading of herbicide concentrates.

(3) Public Notice, Review and Comment.

(a) Upon submittal of the YOP for approval, the Department will publish a notice in the *Environmental Monitor*. Said notice shall be provided by the applicant and shall include the information on the municipalities through which the rights-of-way pass, a brief description of the intended program, and the procedure for public review and comment. The Department shall send notification of the publication to the applicant and the appropriate mailing list.

(b) Upon submittal of the YOP to the Department, the applicant shall provide by certified mail under separate cover to the Board of Health, Conservation Commission, chief elected municipal official, and where applicable, the Massachusetts Water Resources Authority and Massachusetts Department of Conservation and Recreation, a copy of the proposed YOP (or an Internet address where the proposed YOP may be viewed and a note that a hard copy will be provided promptly upon request) and the *Environmental Monitor* notice for the municipality or municipalities in which the herbicide treatment is proposed. Community water suppliers shall receive electronic information or a one page notification by mail which provides details about where to receive more information. The applicant shall maintain copies of the packet sent to municipalities and certified mail receipts. The applicant shall make copies of the packet, certified mail receipts, and any further correspondence regarding hard copies of YOPs in lieu of Internet viewing, available to the Department upon request. (c) The Department shall allow a 45-day comment period on proposed YOPs, unless extended for good cause, commencing with the publication of the notice in the *Environmental Monitor* and receipt of the proposed YOP and *Environmental Monitor*

application shall commence and conclude, provided that the applications shall not commence more than ten days before nor conclude ten days after said approximate dates; a list of potential pesticides to be used; a description of the purpose of the application; and the name, title, business address and phone number of a designated contact person representing the applicant from whom any citizen may request further information. The notice should apply only to the calendar year in which the notice is published. Upon request the notice must be made available to the Department.

11.08: Notice of Modification and Revocation

(1) The Department may suspend approval of any VMP or YOP, by written notice to the applicant and applicator, halting the application of herbicide to that right-of-way of the YOP. After 21 days if the applicant does not request a hearing, the Department may revoke or modify the VMP and YOP, if it finds:

- (a) that the terms, conditions of restrictions thereof, are being violated or are inadequate to avoid unreasonable adverse effects on the environment or on human health; or
- (b) that the applicant has made a false or misleading statement or has not provided information requested by the Department or Rights-of-way Advisory Panel; or
- (c) that the applicant has violated any provision of the Massachusetts Pesticide Control Act or FIFRA, or any regulations, standards, orders or license issued under either.

(2) Upon notice of revocation or modification, the applicant may modify the YOP by written request to the Department. Applications to modify the YOP shall be submitted in the manner set forth in 333 CMR 11.06 and disposed of in the manner set forth in 333 CMR 11.06. The Department may waive all or part of the requirement if it determines that the proposed changes do not significantly change the terms of the approved YOP.

333 CMR: PESTICIDE BOARD

11.09: Right-of-appeal

Any person aggrieved by the decision of the Department to approve, deny, modify or revoke a VMP or YOP may request an adjudicatory hearing. The request for a hearing must be received by the Department within 21 calendar days after receipt of the decision. The request should state clearly and concisely the facts of the proceeding, the reasons the decision is alleged to be inconsistent with 333 CMR 11.00 and the relief sought by the adjudicatory hearing. The adjudicatory hearing before the Pesticide Board shall be conducted in accordance with the informal rules of adjudicatory proceeding as set forth in M.G.L. c. 30A.

11.10: Penalties

Any person who violates any provision of 333 CMR 11.00 shall be subject to the criminal and civil penalties set forth in M.G.L. c. 132B, § 14.

11.11: Rights-of-way Advisory Panel

(1) A Rights-of-way Advisory Panel shall be established to advise the Department on issues relating to 333 CMR 11.00 and to fulfill specific functions as detailed within 333 CMR 11.00.

(2) The Department shall request that the following members participate on the Rights-of-way Advisory Panel: the Commissioners/Secretaries or his/her designee of the Department of Environmental Protection, the Department of Public Health, and the Executive Office of Transportation; and a representative, respectively, from each of the following, all to be appointed by the Department Commissioner: the Massachusetts Association of Conservation Commissions, the Massachusetts Association of Health Boards, the Massachusetts Department of Conservation and Recreation, and an Environmental Advocacy Organization Representative, a member of the

28 January 2023

First Selectman Gordon Ridgway
Town of Cornwall
26 Pine Street
P.O. Box 97
Cornwall, CT 06753

RE: Housatonic Railroad Company (HRRC)
2023 Vegetation Control Program

Dear First Selectman Ridgway:

Enclosed please find the 2023 Vegetation Management Plan (VMP) for the HRRC in accordance with the requirements of Connecticut General Statutes Section 22a-66a(j). Per the statute this VMP must be submitted to the chief elected official or board of selectmen of each municipality through which HRRC operates and maintains track. Additionally, this VMP has been submitted to the commissioner of the Connecticut Department of Transportation.

It is anticipated that herbicide application will commence after March 1, 2023 depending upon weather conditions and other factors.

This VMP provides details on the target vegetation and management methods for the herbicide application which will take place this year. HRRC is committed to its obligation to maintain its right-of-way in accordance with both state and federal safety standards. Vegetation management is an integral component of those safety efforts.

Please feel free to contact TEC Associates with any questions about this VMP.

Very truly yours,
TEC ASSOCIATES



Thomas W. Lewis

Enclosure

cc: Zigmund Korenkiewicz II, CDOT
Matthew Boardman, HRRC

VEGETATION MANAGEMENT PLAN

INTRODUCTION

Connecticut General Statutes Section 22a-66a(j) requires that railroads who operate in Connecticut and apply pesticides to their rights of way must file a Vegetation Management Plan (VMP) with the Department of Transportation on or before February 1 of each year and must send copies of the plan to the chief elected official of each town in which pesticides will be applied. The following plan is hereby submitted by the Connecticut Railroad Association on behalf of the following railroads (hereinafter, the "Subject Railroads"):

Central New England Railroad	Connecticut Southern Railroad
CSX Transportation	Housatonic Railroad
Naugatuck Railroad	New England Central Railroad
Pan Am Southern	Providence & Worcester Railroad

Railroads in Connecticut must adhere to an extensive body of regulations promulgated by various state and federal agencies. The most comprehensive body of safety regulations is promulgated by the Federal Railroad Administration (FRA), the agency that has primary regulatory authority over rail safety in the United States. In addition, the Surface Transportation Board has authority over a wide range of rail activities specifically designed to promote and protect the ability of railroads to efficiently and safely participate in interstate commerce.

One critical aspect of the safety regimen that railroads must adhere to is the maintenance of their rights of way such that track, structures and various appurtenances can be inspected in order to protect the safety of rail operations, the safety of railroad employees and the safety of the public. Railroads in Connecticut and throughout the country follow a carefully defined process under which they inspect their track and structures in order to discover defects that could lead to derailments or other types of accidents that would be harmful to the railroad and its employees, harmful to the public or harmful to the environment.

The following Vegetation Management Plan (VMP) is designed to accomplish several key goals. First it is designed to provide for the safe operation of railroads in Connecticut. It is a program that will enable railroads to keep track and structures clear of vegetation so that tracks and structures can be properly and safely inspected in accordance with state and federal law and in a manner that enables railroads to detect and repair defects before those defects result in accidents. The plan is also designed to assure that railroad rights of way are maintained in a manner that will prevent fires from igniting from sparks that could be generated from passing trains, from track maintenance activities such as welding or from grinding rail or other work activities. This plan is also designed to assure railroad rights of way are maintained in a manner that protects railroad employees who must have a clear area to work around moving trains and to assure they are not injured due to extensive brush and vegetation along railroad rights of way which can be a tripping hazard or conceal various hazards on the ground. Equally important, the plan is designed to assure that members of the public are protected by clearing sight lines along railroad rights of way and particularly at points where railroad tracks are adjacent to or cross public rights of way.

Vegetation growing adjacent to and within the track structure also creates traction issues for passing trains. Trains require friction between steel wheels and steel rails for traction to both move trains and equally important, stop trains. Anything that reduces friction between the wheels and rails can create dangerous problems. Just as a wet pavement impacts the braking capacity of cars and trucks, wet rail has a similar impact on trains. Most plant tissues age immediately when crushed between the wheel of a locomotive or rail car and the rail. When crushed they release water and plant sap that acts as a lubricant. The addition of water and sap has the potential to reduce traction and thus increase stopping distances.

Vegetation within the track structure and adjacent to the track structure creates unsafe footing for railroad employees and increases the likelihood of an employee tripping or falling. The potential for serious injury is magnified when a train is present. Train crews work at all hours of the day and night with periods of minimal visibility, therefore the presence of vegetation within and adjacent to the tracks increases the risk of an accident and injury. While the vegetation itself can present a hazard to trains and employees, it can also obscure hazards that might otherwise be obvious to an employee working along the tracks. In recent times vegetation along the rail lines, like vegetation elsewhere, has become a habitat for deer ticks exposing employees to a significant risk of contracting Lyme disease. Removing the vegetation removes a significant source of exposure.

Visibility on and adjacent to railroad tracks is a major component of railroad safety for employees working on or near the tracks, employees operating trains and for the general public. Train engineers must be able to see all types of railroad signs and signals to assure safe operation of their trains. Engineers must have clear fields of vision when approaching highway grade crossings just as the public using those crossings must have a clear field of vision to observe the railroad. Train crews must be able to observe signs that require the activation of train whistles in order to warn the public of a train passing through an area, activities that are often mandated by federal law and regulations. Train crews and other railroad employees must have the ability to observe track and track structures and also observe moving components to be certain they are functioning properly and safely. Train and engine crews must have the ability to see around curves and see well ahead of their trains to be certain that switches are properly aligned, derails are in place and that there are no hazards ahead.

Federal laws require vegetation control to ensure proper functioning of signals and communications lines. Trees and plants short out electrical equipment and cause failure of communications systems and signals. Just as utilities must keep power lines free from trees and other growth that could cause the system to fail, railroads must also protect their signal and communications systems from similar failure.

Railroads follow a number of rigid procedures in order to reduce accidents and protect against injuries to employees and the public. The primary method for controlling accidents and injuries caused by track and roadbed defects is the federally mandated weekly or twice-weekly visual inspections by qualified track inspectors. Track inspections are normally done from a hi-rail vehicle, essentially a pick up type truck equipped with rail wheels that can operate on the rails or on the road. Inspections by Hi-rail vehicles are supplemented by walking inspections of track, switches, moving components and other more complicated components in the track structure. Some defects, such as potential broken rails are detected

Following current practice within the railroad industry, herbicides will continue to be applied to railroad ROWs in Connecticut by licensed contractors who utilize highly sophisticated specialized vehicles. The vehicles are equipped with an array of booms that are independently controlled permitting the operator to control spray patterns on the left and right side of the application vehicle and in the center. In addition, the controls allow the operator to shut off application to areas lacking target vegetation. Often target vegetation in the track center is less dense than that on the side. To control these areas of lighter vegetation, often extending the width of the ties, "half rated" booms are being added adjacent to the "full rate" booms and are used whenever possible. When herbicide use is needed, the type and density of vegetation, site condition and the time of year will be factors in determining the herbicide type, application rate, adjuvant and application equipment. The contractor will take into account a range of factors mentioned above in order to attain maximum control with minimum adverse effect. In railroad yards and on certain heavily vegetated areas of the ROW, pre-emergent herbicides will be applied which may eliminate a post emergent treatment that same year. Only herbicides that are licensed for use in the State of Connecticut will be used by the railroads' contractors and licensed herbicides will only be used in accordance with their labeled instructions.

In certain areas of the ROW, branches and limbs of trees grow into and have the potential to move into the roadbed area striking trains and/or fouling overhead communication lines or interfering with critical sightlines. In these cases, trees will generally not be eliminated if a selective side trimming of the encroaching limbs can be made. Selective side trimming, primarily by mechanical or by herbicidal means will be done on a site by site basis according to the type and density of target vegetation present and its propensity to invade the roadbed area or foul communication lines.

VEGETATION MANAGEMENT TECHNIQUES

The Subject Railroads' Vegetation Management Program is defined and generally limited to the privately owned or leased ROW. The individual components of the railroad ROW as described in Section V have two distinctly different vegetation management requirements. On the ROW roadbed and other specialized areas, no vegetation is permitted as per Federal laws and regulations. On the adjacent areas of the ROW, certain woody vine and brush species must be selectively managed. Therefore, unlike other ROW's the methods of railroad ROW management are limited to two basic vegetation control techniques and one indirect method. The two basic vegetation control techniques are herbicide applications and mechanical techniques. The indirect method includes any ROW operational activity which eliminates vegetation as a secondary benefit.

Mechanical Technique

Mechanical control techniques are limited to woody and brush vegetation and only work in limited situations. Mechanical control techniques require that the railroad own or have access to sophisticated machinery that generally must be operated from the rail. It is most successful in areas where there are specific target trees or shrubs that are accessible from the rail. Because the ground adjacent to the roadbed shoulder is generally not smooth, there is considerable risk that mechanical cutting can leave short stems or sticks in the ground that can trip or injure railroad employees.

Pre-emergent herbicide applications within yards can usually be done from a hi-rail spray truck. This type of vehicle operates on the rail and has the advantage of not having to operate over rough terrain. These trucks have a rear mounted boom located about 18 inches above the ground. Spray nozzles are equipped with a spring-loaded shut-off valve to prevent dripping when pressure is turned off and some vehicles will also be equipped with specialize gutter type systems to catch any potential drips from the nozzles. Booms are operated by the operator who has number of controls at his disposal to control both when and where herbicides are applied.

Herbicide sprayed from hi-rail trucks is applied at low pressure between 30 and 40 PSI. Timing of herbicide application is dependent on favorable weather conditions and applications of pre-emergent treatment can usually begin in March.

Post-emergent Herbicide Program

The post-emergent herbicide program is directed primarily toward vegetation eradication on the railroad ROW main and branch lines. These areas comprise the bulk of a railroad's ROWs and account for the greatest proportion of herbicide use.

Post-emergent herbicide application begins in the spring and is weather and target species dependent. All treated areas are later inspected and the effectiveness of the treatment is evaluated. If necessary a second treatment may be applied later in the year.

Brush Control

The brush control program is designed to control vegetation in areas adjacent to the shoulder through the selective use of post-emergent herbicides. The type of herbicide selected will depend on the species of target vegetation present. The application method will depend on the density of target vegetation and previous mechanical control efforts. Shrubs and herbaceous vegetation in these areas will be maintained where possible.

There are several methods for the application of post-emergent herbicides to the target vegetation. The variety of methods allows the applicator to selectively apply the herbicide directly onto the target vegetation. These are described below.

Foliar

In order to control the growth of brush and woody plants along and adjacent to the shoulder and within the railroad ROW, licensed applicators will selectively apply herbicide to the foliage and or stem by a variety of flow-pressure mechanical spray devices. Application will normally be done using a hi-rail vehicle equipped with specialized nozzles and control devices. Herbicide use will be determined by the contractor in consultation with the railroad and herbicide choice will be based on the types of brush or wood plants that need to be removed or trimmed. Herbicides are applied under low pressure - 30-40 PSI.

In addition to brush and woody plant removal, foliar applications will be used to carry out necessary side trimming. Side trimming is the selective application of the herbicide to target

The typical railroad roadbed consists of rail and ties, ballast, the ballast shoulder and the drainage system. The ballast and ballast shoulder are constructed of hard stone that supports the track. It distributes the load on the track evenly and drains water away from the roadbed and track structure. The roadbed drainage system is constructed to carry that water out of the ballast away from the track. The roadbed portion of the ROW requires total vegetation control.

Bridges

Open deck bridges, particularly those over water, are not and will not be treated with herbicides. Roadbed approaches to bridges will be treated up to the abutment back wall. The areas under bridges will be maintained in a manner to prohibit vegetation from interfering and compromising bridge structures. The default mechanism for controlling brush beneath bridges is mechanical cutting.

Culverts

Culverts are generally constructed with steel pipe, concrete pipe or stone and are normally placed at right angles to the track. Culverts are essential to moving water away from the track structure and insuring that drainage systems operate efficiently. Culverts are inspected periodically and cleaned manually or using mechanical means to insure water flows through them efficiently and doesn't back up along railroad ROWs potentially causing washouts and other damage to track structures.

Ditches

Drainage ditches must be maintained weed free to permit the flow of water away from the ballast and track structure and to maintain a stable road bed. Ditches are generally directly adjacent to the road bed ballast section and are an integral part of the track structure. Ditches are maintained using mechanical means to clear the ditches and keep them open and through the application of herbicides to keep the ditches weed free. When Herbicides are applied to the drainage ditches they are applied only in accordance with the label instructions of the material being used and only material approved for use in Connecticut is applied. Herbicides are not applied to drainage ditches that contain running water. Herbicides will be applied to drainage ditches in some cases if they hold non-running water, essentially a puddle that is contained in a highly localized spot.

ROW Areas Adjacent to the Shoulder

Woody vegetation growing in areas adjacent to the shoulder will be managed to promote the growth of low growing shrubs. Targeted woody vegetation will be that which has the potential to block visibility or invade the roadbed and/or over head communication lines. Target vegetation will include but not be limited to the following:

Ailantus	Black Walnut	Honey Locust
American Basswood	Blackthorn	Maple
American Beech	Butternut	Northern Catalpa
American Hornbeam	Cherry	Oak

Railroad facilities must be maintained as weed free as possible to allow safe and efficient operation, reduce fire hazards and permit proper inspection of railroad track and facilities.

REMEDIAL PLAN TO ADDRESS SPILLS AND RELATED ACCIDENTS

Licensed Applicators who operate in the State of Connecticut have plans for the unlikely event of a spill or accident. Since there is no such thing as a standard event, applicators must weigh factors specific to the situation and use their best judgment to decide the appropriate course of action in the event of a spill. Because applicators normally carry only small amounts of herbicides, the potential for serious accidents is relatively small.

Federal and state statutes establish emergency response procedures that must be followed by companies and their contractors in the event of a spill or related accident. Under the Federal Environmental Pesticide Control Act, it is the applicator's legal responsibility to clean up pesticide spills resulting from their use and handling of the product. Applicators are liable for damages, subject to penalties and obligated to clean up and decontaminate areas resulting from pesticide spills.

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) 42 U.S.C. 9601 et. seq., and the Federal Water Pollution control Act (CWA 22 U.S.C. 125 et. seq.) are aimed at eliminating the accidental discharge of oil and hazardous substances into the environment, providing for the cleanup of such substances, and establishing responsibility for costs of cleanup. CERCLA and CWA are implemented by the National Oil and hazardous Substance Pollution Contingency Plan (NCP) 40 CFR 300 et. seq.

The Farm Chemical Handbook (published by Meister Publishing Co., Willoughby, Ohio), U.S. Department of Transportation "1987 Emergency Response Guidebook" (available from UNZ and company Jersey City, New Jersey), herbicide labels, and material safety data sheets provide reference information for the chemicals being used. Applicators carry equipment for emergency action including sand or other absorptive material, broom, shovel and heavy duty plastic bags or other leak-proof sealable containers.

SUMMARY

The management of vegetation within railroad track and structures and along railroad ROWs is a critical component of railroad safety programs in Connecticut. Vegetation both within and adjacent to the track structure inhibits the railroad's ability to properly inspect its track and structures and - equally important - detect flaws that can cause accidents and injury to employees, the environment and the general public. The maintenance of safe sightlines along ROWs and particularly on approaches to highway grade crossings is essential to allow train crews to operate safely and likewise to support safe operations by the general public when around railroads. Maintaining clear roadbeds and clear areas adjacent to the track structure both along ROWs as well as in rail yards provides rail employees with a safe working environment minimizing hazards that can cause personal injuries.

The application of herbicides is performed in a safe and controlled way that is presently being overseen by authorities at the Connecticut DEEP and the EPA. Licensed contractors who

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

KATHLEEN A. THEOHARIDES
Secretary

JOHN LEBEAUX
Commissioner

NOTICE

Pursuant to the provisions of the Rights-of-Way Management Regulation, 333 CMR 11.00, in order to apply herbicides to control vegetation along railroad rights-of-way, a five-year Vegetation Management Plan (VMP) and a Yearly Operational Plan (YOP) must be approved by the Department of Agricultural Resources. Therefore, notice of receipt of a YOP and procedures for public review are hereby given as required by Section 11.06 (3).

A Yearly Operational Plan has been submitted for: Housatonic Railroad Company, Incorporated (HRRC).

This plan has been prepared and submitted to the Department of Agricultural Resources by: TEC Associates of South Portland, Maine.

Municipalities identified in the Housatonic Railroad YOP as locations where the rights-of-way will be treated with herbicides during the 2022 calendar year are:

Great Barrington	Lenox	Sheffield
Lee	Pittsfield	Stockbridge

One selective herbicide application will take place in the non-sensitive and sensitive area buffer zones along the roadbed portion of the right-of-way using a DAR approved herbicide mixture. This program is targeted toward the eradication of woody and herbaceous plant species germinating within the roadbed and around other fixtures including but not limited to: switches, signals, signs, and highway grade crossings. This application will be followed by a late summer touch-up application in areas of heavy vegetation growth, if necessary.

HRRC's vegetation control program for 2022 will be consistent with the VMP as approved by the DAR and involves an Integrated Vegetation Management (IVM) approach. In the 2022 program, brush control will be limited to manual or mechanical cutting in sensitive areas and sensitive area buffer zones. In non-sensitive areas, one foliar application will be conducted to selectively treat brush adjacent to the shoulder using a DAR approved herbicide mixture.

Hi-rail vehicles equipped with herbicide application equipment will be used to treat the rights-of-way. "Sensitive" areas as defined by the Rights-of-way Management Regulations will receive the full protection afforded by those Regulations. All herbicide applications will be done by an applicator properly licensed by the Department of Agricultural Resources Pesticide Bureau and fully trained in herbicide mixing, handling, and application methods

The applicant has described the following rights-of-way as sites that have been scheduled for herbicide treatment in 2022:

BERKSHIRE LINE
-Sheffield to Pittsfield-

Sheffield	Stockbridge	Lenox
Great Barrington	Lee	Pittsfield

Any questions or comments on the information provided in this Notice and the procedures established for the municipal review as outlined above, should be addressed to:

Rights-of-Way Program
Massachusetts Pesticide Bureau
251 Causeway Street, Suite 500
Boston, Massachusetts 02114-2151

Any additional questions or comments on any information provided as part of the proposed YOP should be addressed in writing to:

Thomas W. Lewis
TEC Associates
40 Mechanic Street
South Portland, Maine 04106

A copy should also be sent to the Rights-of-Way Program at the above address.

COMMENT PERIOD ENDS AT 5 PM, WEDNESDAY, JUNE 8, 2022.

<p>310 CMR 10 Dept. of Env. Protection: Wetlands Protection</p>	<ul style="list-style-type: none"> • Within the 246 pages of these regulations are resolutions to some duplicate requirements by different Divisions of MA government, specifically Food and Agriculture and Environmental Protection. DEP will NOT require a separate VMP for herbicide use in railroad ROWs as per their own regulations but will instead use their veto power in the joint Advisory Committee that reviews all VMPs to deny such plans where herbicides will affect state-listed "rare wildlife". They will also deny plans where herbicides will have an impact on floodplains. • These regs require all authors of VMPs to formally request a "Determination of Applicability" from the local Conservation Commission as to the boundaries of Buffer Zones and Areas Subject to Protection" and include this determination in their VMP packet. 	<p>posted except if treated area is fenced (presumably so citizens can't accidentally wander onto the area) or if the property belongs to a farm/grower making >\$1000/year (with a complex exception in 66a-(d)); wholesalers must provide signs to retailers; spraying of ponds or lakes with public access must have newspaper notices</p> <p>22a-66a (i)-(j) Railroads must notify DOT and town governments of intended spraying within 21 days and File a Vegetation Management Plan with the DOT</p> <p>22a-66a (k) spraying for mosquito larvae by Dept. of Health requires a notice in the newspaper</p> <p>22a-66a (l) Maximum Fine is \$90</p> <p>22a-66b-i deals with Pesticide Application Businesses</p> <p>22a-66j allows DEEP Commissioner to regulate such businesses too</p> <p>22a-66k-l deals with pesticide applications by State Agencies and Schools, and requires DEEP commissioner to review a sampling of vegetation management plans "within available appropriations"; also authorizes DEEP Commissioner to provide model Vegetation Management Plans and to educate the public about them</p> <p>22a-66m deals with Municipal playgrounds</p> <p>22a-66n outlaws use of automated pesticide misting systems</p> <p>22a-66o-x are reserved</p> <p>22a-66y bans sodium fluoroacetate in public waters</p> <p>22a-66z DEEP issues permits for use of pesticides in public waters, may regulate (along with Dept. of Public Health) the use of those pesticides</p> <p>Does not mention rights-of-way or herbicide use.</p> <p>Chapter 440 Wetlands and Watercourses 22a-45d</p>
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TOWN OF KENT LAND USE OFFICE

Certified Mail RRR

January 31, 2023

33 Camps Road, LLC
C/O David Birnbaum
33 Camps Road
Kent, CT 06757

Re: Notice of Possible Violation
33 Camps Road
Map 17 Block 28 Lot 30

Dear Mr. Birnbaum,

It has come to the attention of the Land Use Office that activities may exist at the above-mentioned property that are in violation of the Kent Zoning Regulations and Special Permits granted with regard to Kent Falls Brewing Company. There have been reports of full draft pours in excess of 2 ounces, the serving of food including a raw bar, ongoing markets showcasing off site vendors and live entertainment.

- *Per Special Permit 43-15SP tastings should be limited to 2 oz. per pour and not to exceed 8 oz per person;*
- *Per Kent Zoning Regulations the Restaurant Use is not permitted in the Rural District;*
- *Per Kent Zoning Regulations a Farmers Market is not permitted in the Rural District;*
 - *Farm stand sales in conjunction with your Special Permit 10-15SP are limited the sale of agricultural products produced on the premise*
 - *Retail sales are limited to growler sales per Special Permit 43-15SP.*
- *Special Permits 14-13SP, 43-15SP and subsequent modifications do not include live entertainment as an accessory use.*

Please contact this office to further discuss how you may come into compliance with the Kent Zoning Regulations and your Special Permits granted by Kent Planning and Zoning Commission.

Respectfully,

Tai Kern
Land Use Administrator

Cc: Joseph Manley, Town of Kent Building Official
Catherine Weber, TAHD Registered Sanitarian
Stan MacMillan, Fire Marshal
Town of Kent Board of Selectmen
Town of Kent Planning and Zoning Commission

To whom it may concern,

I am writing this letter in regard to the Kent Falls Brewery's request for food trucks. We live across the street. We have lived here for 40 years. We bought this property because we wanted to be totally in the country! I never imagined we would live by a brewery/bar. We had over 150 signatures to stop the brewery but it happened any way! We loved our quiet road walking, biking and just enjoying it here!! The traffic and delivery trucks are never ending!! We had to put more signs on our road to stop people from coming in!!

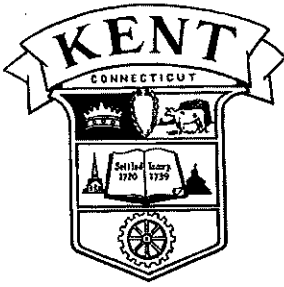
When we worked on the brewery excavation they said they were not going to serve alcohol there. We believed them! They even put letters in our mail boxes saying they weren't going too. In the spring a sign went up at the brewery for a liquor permit. We were so disappointed! They said there would be no tractor trailers, 3 people working there and no alcohol served there! There are tractor trailers everyday, many people working there and the bar is open 4 days a week.

When the bar is open the traffic is terrible! The trucks, cars and motorcycles drive way to fast. If there are food trucks the traffic will only be worse.

We want our neighborhood back on this quiet country road!! **Please don't allow food trucks!**

Thank you,

Katherine Osborne



Kent Park & Recreation

P.O. Box 678
41 Kent Green Boulevard
Kent, Ct. 06757
parkandrec@townofkentct.org
ph: 860-927-1003
fax: 860-927-1313

February 7, 2023

ATTN: Jean Speck, First Selectman
Board of Selectmen
Town of Kent, CT
41 Kent Green Boulevard
Kent, CT 06757

Selectman Speck –

During the Kent Park & Recreation Commission special meeting held at 5:00p on Monday, February 6, 2023, the Commission passed a motion “to purchase from the State of Connecticut Surplus Program for a cost of \$6205.00, a 2015 Chevy Silverado” for use as a general Park & Recreation vehicle. This vehicle will aid us greatly in the movement of program and project supplies to and from our various operating locations around town and will prevent unnecessary wear and tear to the personal vehicles of Park & Recreation staff and volunteers.

With that said, please let this memo serve as notification of the purchase and also confirmation of our previous discussion regarding amending the Park & Recreation capital plan proposal with respect the purchase of a *new* vehicle. At a previous Board of Selectman meeting we determined that if the aforementioned used vehicle was purchased from the state, the Park & Recreation Department would feel comfortable with the idea of pushing back the purchase of a new vehicle until at least FY 2029. Please let this memo serve as confirmation of such.

Thank you and please let me know if you require any further information.

Respectfully,

Jared Kuczenski
Director of Park & Recreation

CC: *Joyce Kearns*
All Kent Park & Recreation Commissioners & Alternates

Please read the following into the record

2/19/23

Dear Kent Board of Selectman/Planning and Zoning Commission,

As Kent Falls Brewery asks to expand their activities in our residential area, I question whether or not the brewery should continue to be allowed to operate at all in their present location. They no longer grow their own brewing grains and we question where their grains for brewing are sourced. To be a farm brewery in the State of Connecticut law requires they source 50% of their supplies from within the state. They no longer operate as a farm there. If this is no longer a Ct. Ag supporting business it is nothing more than a beer factory and a bar in a residential area. Does this requirement disappear once the town says go ahead and build? Who checks on this? When a person wants to do a logging job one requirement is to notify all adjoining land owners by a certified letter before any land use meetings. If a permit is issued the activity is then monitored. Timber harvest is a temporary activity. The project is completed and the neighborhood goes back to normal. In the case of the brewery our neighborhood has been permanently changed and nobody was aware the change of use application was being considered. Once we found out a petition with over 150 legitimate signatures of local residents opposing the brewery was given to the planning commission and we were told it was too late for public input. This is wrong. Six or so people who don't live in our neighborhood should not make decisions of this magnitude without notifying the local people it may affect. In this case it seems to continue.

We find it disturbing that P & Z allowed people to move into our quiet neighborhood with this type of business creating excessive traffic and activity that should be in a commercial district. We feel this would be a great asset to all businesses in Kent if it were in the business district. We find it especially troubling the bar is now open all weekend. This used to be a time when neighbors who worked all week could be home and enjoy the peace and quiet for our neighborhood. Many people or families enjoy walking or biking on Camp Rd. which used to have very little traffic.

We understand the brewery is now asking to have food trucks, music, farmers markets and no serving limit for the bar. We have tried to be good neighbors and allow others to make a living but this is getting out of hand. When did the production and consumption of alcohol become so important and the longtime residents of the neighborhood become so unimportant? We believe this brewery and bar have affected our neighborhood and property values in a negative way. Maybe the owner and manager/partner moving out of the neighborhood is an indication of this.

We ask the Board of Selectman and the Planning and Zoning Commission to consider the lives of the longtime residents of this neighborhood. Who and how is this really benefiting but a few people? We don't need any more traffic or activities in our neighborhood especially when alcohol has been added to the mix.

We applaud you people who serve our town and generously donate your time in various administrative positions and commissions. We do think you need to reconsider the way you contact the people who your decisions are going to affect. Not too many people read the Waterbury Republican.

Please carefully consider the effect the expansion of the brewery activities will have on our neighborhood and what the benefits are other than money for the owner who has left Kent.

Respectfully submitted,

Bruce and Katherine Osborne, Marie Obrien, Karen Iannocci

OLR Bill Analysis

HB05928 (as amended by House "A")*

AN ACT ESTABLISHING A MANUFACTURER PERMIT FOR FARM BREWERIES.

SUMMARY

This bill establishes a farm brewery manufacturer permit, which allows for, among other things, the manufacture, storage, bottling, and wholesale distribution and sale of beer manufactured at any place or premises located on a farm. A permittee may produce up to 75,000 gallons of beer annually.

Under the bill, a farm brewery permit allows for the offering and tasting of free samples and retail sales for both on- and off-premises consumption, though a town may prohibit the activity by ordinance or zoning regulation. Such permittees may also sell their beer at farmers' markets if they also obtain the farmers' market beer sales permit.

The bill requires permittees to use a certain amount of hops, barley, or other fermentables grown or malted in the state. After fulfilling these requirements, permittees may then advertise and sell their product as "Connecticut Craft Beer." The bill also sets the annual fee for a farm brewery manufacturer permit at \$300.

The bill also increases, from five to seven liters, the amount a farmers' market beer sales permittee may sell to a person per day at a farmers' market.

*House Amendment "A" (1) increases the amount permittees may annually produce and sell at a farmers' market and (2) makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

SCOPE OF A FARM BREWERY MANUFACTURER PERMIT

The bill allows a permittee, from his or her single principal premises, to:

1. sell sealed bottles or other sealed containers of beer brewed on the premises to a wholesaler permittee,
2. offer tastings of free samples of beer manufactured by the permittee from bottles or other sealed containers to visitors and prospective retail customers to be consumed on-premises,
3. sell at retail from the premises up to nine liters of beer per person per day for off-premises consumption in sealed bottles or other sealed containers (see BACKGROUND), and
4. sell at retail beer by the glass and bottle to visitors for on-premises consumption.

PRODUCT CONTENT REQUIREMENT

The bill requires permittees to use a certain amount of hops, barley, or other fermentables grown or malted in the state. In the first year of a permit's issuance, a farm brewery manufacturer permittee must use at least 25% of a combination of hops, barley, cereal grains, honey, flowers, or other fermentables grown or malted within the state when brewing his or her beer. The permittee must increase this amount to at least 50% each subsequent year. Any such beer may be advertised and sold by the farm brewery as "Connecticut Craft Beer."

FARMERS' MARKET SALES

The bill allows a farm brewery permittee to sell the beer he or she manufactures at a farmers' market run by a nonprofit organization. To do so, the farmers' market must invite the permittee to sell his or her beer there and

the permittee must obtain a farmers' market beer sales permit from the Department of Consumer Protection.

The bill also increases the amount, from five to seven liters, a permittee may sell to a person per day at a farmers' market.

By law, a farmers' market beer sales permit allows permittees to attend an unlimited number of appearances at a farmers' market, at up to three farmers' market locations each year. They may only sell sealed bottles for off-premises consumption. The nonrefundable filing fee is \$100, and the annual fee for this permit is \$250.

HOLDING TWO ALCOHOL PERMITS

By law, alcohol permittees are generally prohibited from holding alcohol permits in different permit classes, unless specifically exempted. The bill allows a farm brewery manufacturer permittee to also hold a farmers' market beer sales permit.

BACKGROUND

Off-premises Consumption Hours

Off-premises sale and dispensing of alcohol are generally allowed only on days Monday through Saturday, from 8:00 a.m. to 10:00 p.m., and Sundays, from 10:00 a.m. to 6:00 p.m. Permittees cannot sell or dispense alcohol on Thanksgiving Day, New Year's Day, or Christmas Day (CGS § 30-91(d)).

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 17 Nay 0 (03/07/2017)

OLR Bill Analysis

sHB 5580

AN ACT ESTABLISHING A FARM BREWERY MANUFACTURER PERMIT.

SUMMARY:

This bill establishes a farm brewery manufacturer permit, which allows for the manufacture, storage, bottling, and wholesale distribution and sale of beer manufactured on a farm.

Under the bill, permittees may sell their beer on-premises and, if they obtain the requisite farmers' market beer sales permit, at farmers' markets. Subject to certain conditions, they may sell and ship directly to retailers and consumers, including consumers in Connecticut. A permit also allows for the offering and tasting of free samples, and retail sales for both on- and off-premises consumption, though a municipality may prohibit the activity by local ordinance or regulation.

The bill requires permittees to grow a certain amount of the hops and barley they use in the beer manufacturing process. It sets the annual fee for a farm brewery manufacturer permit at \$300.

By law, the Department of Consumer Protection (DCP) issues liquor permits.

EFFECTIVE DATE: Upon passage

SCOPE OF A FARM BREWERY MANUFACTURER PERMIT

On-Premises Sales

The bill specifies that a permittee must only sell the beer it manufactures. It allows the following to occur at the farm brewery's main premises:

1. bulk sales;
2. for manufacturers producing up to 100,000 gallons of beer per year, sales and shipments in original sealed containers to retailers;
3. sales and shipments to people in other states;
4. sales and shipments directly to Connecticut consumers (see below);
5. retail sales by the glass and bottle to visitors for on-premises consumption;
6. retail sales of sealed bottles or other sealed containers for off-premises consumption; and
7. offering and tasting of free samples, dispensed from bottles or other sealed containers to visitors and prospective consumers, for on-premises consumption.

But it allows municipalities, by ordinance or zoning regulation, to prohibit the above offerings, tastings, or retail sellings.

The bill also extends to farm brewery manufacturer permittees a requirement that they, or an agent, offer either (1) free potable water or (2) nonalcoholic beverages for sale. This requirement already applies to manufacturer permittees for beer, cider, apple brandy and eau-de-vie, farm wineries, brewpubs, and beer and brew pubs.

Direct Selling and Shipping to Connecticut Consumers

The bill allows a permittee to directly sell and ship up to five gallons of beer in any two-month period to consumers in Connecticut, but it sets requirements for doing so. Specifically, a permittee must:

1. hold an in-state transporter's permit or have someone with such a permit make shipments;
2. not ship to an address in a municipality that prohibits alcoholic liquor sales;
3. pay sales and alcoholic beverage taxes on the sales to, and file related tax returns with, the Department of Revenue Services;
4. report to DCP, using a ledger sheet or similar form that chronologically shows consumer sales, a complete record of all sales and shipments; and
5. clearly and conspicuously provide its liquor permit number in any online advertising or offering of beer for direct shipment.

Permittees must also have their shipping labels conspicuously state:

"CONTAINS ALCOHOL – SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY."

They must obtain the signature of someone at least 21 years of age at the delivery address before delivery occurs. Before signing, the signor must show that he or she is of the required age, either by providing a valid driver's license or other identity card.

Farmers' Market Sales

The bill allows a permittee to sell the beer it manufactures at a farmer's market run by a nonprofit organization. To do so, the farmers' market must have invited the permittee to sell its product there and the permittee must obtain a farmers' market beer sales permit from DCP.

By law, a farmers' market beer sales permit allows permittees to attend an unlimited number of appearances at a farmers' market, at up to three farmers' market locations each year. Permittees are capped at selling five liters of beer per person per day at a farmers' market and they may only sell sealed bottles for off-premises consumption. The annual fee for this permit is \$250.

PRODUCT REQUIREMENT

Under the bill, in the first year of a permit's issuance, a farm brewery manufacturer permittee must grow at least 25% of the hops and barley it uses in the manufacturing process. This amount increases to at least 50% for each of the following years. The product must be grown on (1) the farm brewery's premises, (2) other property the permittee owns and controls, or (3) property leased by the permittee or the permittee's backer in the brewery's principal state (presumably Connecticut).

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 29 Nay 0 (03/16/2016)

On Mon, Feb 6, 2023 at 5:35 PM Charlie Osborne <rarah42@hotmail.com> wrote:
To whom it may concern,

I am writing this letter in regard to the Kent Falls Brewery's request for food trucks. My family lives directly across the street from KFB. Ever since the brewery opened the traffic coming in and out on any given open day is absurd and the delivery trucks throughout the week. I have children and dogs that used to enjoy walking, running, and biking on Camps Road. We now have to plan around the open hours at KFB. We listen to loud motorcycles, fast cars, and occasionally strangers walking up our driveway. We the neighbors are begging you to not grant the request of food trucks. Food trucks will bring in more people and more cars. People will stay longer and possibly be too impaired to drive. We have fought against KFB for years and nobody has ever listened to our pleas. We are aware that they are here in OUR neighborhood and are a permanent fixture. We are just asking for one simple request of no food trucks. With multiple restaurants right over the hill in New Preston patrons of the brewery have options for dinning and many of those restaurant's rely on those customers.

In closing I will state again, please do not approve the request of food trucks. Keep our quaint little town classy!

Sincerely, Sarah Adams



Joyce Kearns <adminassist@townofkentct.org>

Re: First Selectman

1 message

Jean Conlon Speck <firstselectman@townofkentct.org>

Wed, Feb 22, 2023 at 10:37 AM

To: Karen Iannucci <nuccik@gmail.com>

Cc: Tai Kern <landuseadmin@townofkentct.org>, Joyce Kearns <adminassist@townofkentct.org>

Hi Karen,

Thank you for your email. I appreciate you painting a picture of your experience as a neighbor. We'll get this into the meeting folder for tonight's BoS meeting as correspondence. I've also cc'd Tai Kern, the Land Use Administrator.

**Jean Speck (she, her, hers)**

First Selectman, Town of Kent

860.927.4627 | firstselectman@townofkentct.org | www.townofkentct.org

41 Kent Green Boulevard

PO Box 678

Kent, CT | 06757



Click here to schedule a meeting with me!



Save ink cartridges from extinction - please think twice before printing.

If you received this email in error, please notify us immediately by sending an e-mail or by calling.

On Wed, Feb 22, 2023 at 10:22 AM Karen Iannucci via Kent CT <cmsmailer@civicplus.com> wrote:

Submitted on Wednesday, February 22, 2023 - 10:22am

Submitted values are:

Departments: First Selectman

Message:

Selectman of Kent

Kent Falls Brewery asks to expand its activities in my residential area, I question whether or not the brewery should continue to be allowed to operate at all in its present location. I believe they longer grow their own brewing grains. Connecticut the law requires they source 50% of their supplies from within the state and they no longer operate as a farm there. Right now it is a bar in a residential area as well as an Inn. Who checks on this?

I never received any certified letters from the town as to when a land use meeting that affects and adjoins my property is going to be held. (a certified letter!) I have now signed up for all the town meetings but when something is going to change or asks to be changed that directly adjoins my property I should be aware.

In the case of the brewery our neighborhood has been permanently changed and nobody was aware the change of use application was being considered. We had a petition with over 150 legitimate signatures of local residents opposing the brewery that was given to the planning commission and we were told it was too late for public input. This is wrong. You even stated at a meeting when asked to have the brewery in town (which is for commercial business) that the smell would not be good for commerce. Six or so people who don't live in our neighborhood should not make decisions of this

magnitude without notifying the local people it may affect. Decisions are not based on who you know. In this case, it seems to continue.

This bar business has made excessive traffic and activity on Camps road as people travel at excessive speeds and large trucks come in and out daily. As I stated this is a business and perhaps should be placed in a business section of Kent. Not in a residential area.

I understand the brewery is now asking to have food trucks, music and no serving limit for the bar. This is getting out of hand in a quiet residential neighborhood. When did the production and consumption of alcohol become so important and did the longtime residents of the neighborhood become so unimportant?

I believe this brewery and bar have affected our neighborhood and property values in a negative way. Maybe the owner and manager/partner moving out of the neighborhood is an indication of this.

The smell behind my house (Tamshell Drive) as they spray mash or by-products of the beer making, is awful. I can't sit outside on my deck as the smell permeates especially when a fresh dump is made. This smell is quite unsettling as I am not sure how it affects my health. I know it affects my backyard enjoyment and my well-being. My well is also there too and I question whether this has affected my drinking water. I was told I need to contact Torrington health which I will.

I ask the Board of Selectman and the Planning and Zoning Commission to consider the lives of the longtime residents of this neighborhood. Who and how is this really benefiting but a few people? We don't need any more traffic or activities in our residential area and neighborhood especially when alcohol is involved.

Please carefully consider the effect the expansion of the brewery activities as well as the inspections of current practices which were not done hence the violations. The owner has left town and left his newly elected seat in commission. I also believe that a P and Z meeting was held there at the brewery, if I am wrong I apologize. I am trying to live a nice life in a beautiful neighborhood and in a beautiful town. Please consider our views and not personal views.

Thank you for serving our town and being open to the health and well-being of its residents

Respectfully submitted,
Karen Iannucci

==Please provide the following information==

Your Name: Karen Iannucci

Your E-mail Address: nuccik@gmail.com

Organization: kent Resident

Phone Number: 2037317082

==Address==

Street: [6 tamshell Dr](#)

City: kent

State: Connecticut

Zipcode: 06757



Joyce Kearns <adminassist@townofkentct.org>

Fwd: Kent Falls Brewery Proposed Expansion

1 message

Susan Soderstrom <susanldare@gmail.com>

Wed, Feb 22, 2023 at 11:16 AM

To: selectmen@townofkentct.org

Cc: "landuseadmin@townofkentct.org" <landuseadmin@townofkentct.org>

----- Forwarded message -----

From: Accounting <accounting@lakewaramaugcc.com>

Date: Wed, Feb 22, 2023, 11:11 AM

Subject: Kent Falls Brewery Proposed Expansion

To: Susan Soderstrom <susanldare@gmail.com>

Good morning. My name is Susan Soderstrom, I live on Tamshell Drive behind the Kent Falls Brewery. I understand there is an application for a special permit to allow food trucks, farmers markets and entertainment to be held on this property. I am against this. I was opposed to having it be a brewery from the beginning. Because of the Brewery, there is more traffic on Camps Road. This same road has many walkers and families with small children riding their bikes on it. I am concerned that they are drinking there as if it was a bar. It was supposed to be only tastings, but they are serving large mugs of beer to people. There have been two crashes into poles that I am aware of since they opened the brewery. We moved to Tamshell Drive in Kent 21 years ago for the peace and quiet of this area. The brewery should be in town more where you would expect it, not in this residential area. Please consider my request to not expand this any further and in fact it should be what they approved, which was for tasting purposed only.

Also, the Brewery is mowing down the wetlands behind our house that they are not supposed to be mowing. They are obviously not following the rules. This is a wetlands protected area, they should not be mowing this down as per the wetlands commission map. It is causing our back yard to flood.

Sincerely,

Susan Soderstrom

16 Tamshell Drive

Kent, CT 06757

203-947-5580



Joyce Kearns <adminassist@townofkentct.org>

Please read the following into the Record 2/22/23

1 message

Dina Spalvieri <gmdgraphics2010@gmail.com>

Wed, Feb 22, 2023 at 11:39 AM

To: "landuseadmin@townofkentct.org" <landuseadmin@townofkentct.org>, selectmen@townofkentct.org

Dear Kent Board of Selectman/Planning and Zoning Commission,
Re: Kent Falls Brewery

Kent Falls Brewery is now requesting that their operations be expanded. In addition to serving full mugs of beer instead of just tastings, they now want to include food trucks, farmer's markets and entertainment on a regular basis.

We have all tried to be good neighbors and accept the Brewery for what it was supposed to be and allow fellow neighbors to make a living within the parameters of what they proposed at the inception of their original endeavor and upon its approval.

But we feel the new requests for further permits are going a bit too far.

As the old phrase goes: "Give him an inch and he'll take a mile."

Why would the Committee consider even further expansion of activities when previously approved guidelines have not been followed; the current operation is no longer what it had claimed it was going to be; instead it is basically a beer factory and a bar in our neighborhood.

Are these new "ideas and proposals" for further expansion of this enterprise fair to us, the residents and homeowners? This is our home, our neighborhood, our community. We never chose to live in the midst of what is now developing into a commercial environment.

What if something happens to one of our children/seniors/neighbors/pets during some event sponsored by the Brewery due to increased traffic and unlimited alcohol consumption?

This, in addition to everything else mentioned, is not a concern or fear that we should have to live with.

Please seriously consider the impact that this proposed expansion would have on the quality of life for our residents and the future of our community.

Thank you for your time and consideration.

Respectfully submitted,
Dina Spalvieri
2 Tamshell Drive, Kent CT

2/22/23

REQUEST FOR ABATEMENT OR REFUND OF PROPERTY TAXES

Sec. 12-81(20), Sec. 12-124, 12-125, 12-126, 12-127, 12-127a, 12-128, 12-129 Rev. as Amended
This is to certify that RUGGERI LLC *Info Pro Lender Services*

has presented satisfactory proof that he/she is entitled to an exemption on the assessment list of 10/01/2021

- ☐ Sec. 12-81 (20) Servicemen Having Disability Rating.
- ☐ Sec. 12-124 Abatement to poor.
- ☐ Sec. 12-125 Abatement of Taxes of Corporations.
- ☐ Sec. 12-126 Tangible Personal Property Assessed in more than one Municipality.
- ☐ Sec. 12-127 Abatement or Refund to Blind Persons.
- ☐ Sec. 12-127A Abatement of Taxes on Structures of Historical or Architectural Merit.
- ☐ Sec. 12-128 Refund of Taxes Erroneously Collected from Veterans and Relatives.
- ☒ Sec. 12-129 Refund of Excess Payments.

RUGGERI LLC
502 WEST 27TH ST
NEW YORK, NY 10001

Info-Pro Lender Services

ATTN: Control Room

Jane Shealer

1325 S. Main ST

Fond du Lac, WI 54935

2021-01-0001668

00149100

27 NORTH MAIN ST U3A



2021010001668

To DEBORAH DEVAUX

Collector of KENT State of Connecticut.

I hereby apply for refund* of such part of my tax as shall represent:

The service exemption or Sec. 12-129 Refund of Excess Payments.
(State reason -- Cross out service exemption if it does not apply)

		Tax	Interest	Lien	Fee	Total	Overpaid Tax
Total Due	07/01/2022	1,055.70	0.00	0.00	0.00	1,055.70	
Total Paid	01/24/2023	1,583.55	0.00	0.00	0.00	1,583.55	-527.85 ***
Adjusted Refund		-527.85	0.00	0.00	0.00	527.85	

PLEASE READ, SIGN, AND DATE BELOW:

I am entitled to this refund because I made the payments from funds under my control, and no other party will be requesting this refund. I understand that false or deliberately misleading statements subject me to penalties for perjury and/or for obtaining money under false pretenses.

Jane Shealer
Print Name

Jane Shealer 2/7/23
Signature of Taxpayer Date

COLLECTOR'S RECOMMENDATION TO THE GOVERNING BODY

To the First Selectman, or

It is recommended that refund* of property taxes and interest in the amount of 527.85
be made to the above-named taxpayer in accordance with the provisions of Section (s):

Sec. 12-129 Refund of Excess Payments.

DATED AT KENT, CONNECTICUT THIS 25 DAY OF January 2023

Deborah Devaux
DEBORAH DEVAUX

ACTION TAKEN BY GOVERNING BODY

The First Selectman, as authorized by the Board of Selectman, or
approved on the _____ day of _____ 2023. It was voted to refund
Property Taxes and Interest amounting to \$ _____ to _____.

First Selectman

Other Governing Body

Clerk

Mail To : DEBORAH DEVAUX
KENT
PO BOX 311
KENT, CT 06757



2021010001668

GENERAL DATA REAL ESTATE KENT

AS OF 01/25/2023

BILL NO: 2021-01-0001668

UNIQUE ID: 00149100

LINK#

FILE#

BANK:

ESCROW:

VOL/PAGE: 198-203

LIEN VOL/PAGE:

DISTRICT:

PROP ASSESSED: 110,700

EXEMPTIONS:

COC CHANGE:

NET VALUE: 110,700

MILL RATE: 18.5700

*** BILLED ***

INST1 TOWN
527.85
INST2 527.85
INST3 0.00
INST4 0.00
ADJS 0.00
TOT TAX 1,055.70
TOTAL PAID: 1,055.70

*** PAYMENTS ***

TYPE	CYCLE	DATE
Ref	7	01/25/2023
Pmt	7	01/24/2023 O
Pmt	1	07/22/2022
Pmt	1	07/05/2022

TOTAL PAYMENTS

TOTAL BALANCE DUE AS OF 01/25/2023

INT DUE

LIEN DUE

FEES DUE

TAX DUE NOW

TOT DUE NOW

BALANCE DUE

*** FLAGS ***

Circuit Breaker Amount 0

Town Benefit 1,000.00

Invalid Address Flag No

CURRENT OWNER:

ORIGINAL OWNER:

C/O:

ADDRESS:

ADDRESS2:

CITY ST ZIP:

COUNTRY:

PROP LOC.:

EXR PROP LOC:

M/B/L:

ELD CODE:

EXMPT CHANGE:

RUGGERI LLC

SHAW JAMES TRUSTEE & KAREN TRUSTEE

502 WEST 27TH ST

NEW YORK NY 10001

27 NORTH MAIN ST U3A

19 14 2

0

TOTALS
527.85
527.85
0.00
0.00
0.00
1,055.70
1,055.70

AMOUNT	INTEREST	LIENS	FEES	TOTALS
-527.85	0.00	0.00	0.00	-527.85
527.85	0.00	0.00	0.00	527.85
527.85	0.00	0.00	0.00	527.85
527.85	0.00	0.00	0.00	527.85
1,055.70	0.00	0.00	0.00	1,055.70

TOWN

0.00

0.00

0.00

0.00

0.00

0.00

Benefit Year

0

Info-Pro

Lender Services Inc.

1325 S. Main Street
Fond du Lac, WI 54935

t: 888.393.0393
f: 920.924.9219

www.info-pro.com

Tax Collector
Attn: Deborah Devaux
PO Box 311
Kent, CT 06757

February 7, 2023

Hello Deborah,

Per our phone conversation on January 24, please find the enclosed, signed, refund request form for the below property. The taxes were paid prior to receiving our Info-Pro payment therefore we are requesting a refund in the amount of \$527.85.

Tax Key	Customer	Property Address	Refund Amt
00149100	Ruggeri LLC	27 North Main Street Unit 3A	\$527.85

Please send the refund payable to Info-Pro Lender Services to the address below.

Info-Pro Lender Services
Attn: Control Room
1325 S. Main St:
Fond du Lac, WI 54935

Please do not hesitate to contact us with any questions you may have.

Thank you,

Info-Pro Lender Services
1325 S. Main Street
Fond du Lac, WI 54935
info@info-pro.com
888-393-0393, Option 1

REQUEST FOR ABATEMENT OR REFUND OF PROPERTY TAXES

Sec. 12-81(20), Sec. 12-124, 12-125, 12-126, 12-127, 12-127a, 12-128, 12-129 Rev. as Amended
This is to certify that STERRY JOHN R & TONYA *Aquarion Water Cog &*

has presented satisfactory proof that he/she is entitled to an exemption on the assessment list of 10/01/2021

- ☐ Sec. 12-81 (20) Servicemen Having Disability Rating.
☐ Sec. 12-124 Abatement to poor.
☐ Sec. 12-125 Abatement of Taxes of Corporations.
☐ Sec. 12-126 Tangible Personal Property Assessed in more than one Municipality.
☐ Sec. 12-127 Abatement or Refund to Blind Persons.
☐ Sec. 12-127A Abatement of Taxes on Structures of Historical or Architectural Merit.
☐ Sec. 12-128 Refund of Taxes Erroneously Collected from Veterans and Relatives.
☒ Sec. 12-129 Refund of Excess Payments.

Aquarion Water Cog &
600 Lindley St.
Ridgeport, CT 06606
STERRY JOHN R & TONYA
18 SEGAR MOUNTAIN RD
KENT, CT 06757

2021-01-0000075
00174600
SEGAR MTN RD



2021010000075

To DEBORAH DEVAUX

Collector of KENT State of Connecticut.

I hereby apply for refund* of such part of my tax as shall represent:

The service exemption or Sec. 12-129 Refund of Excess Payments.
(State reason -- Cross out service exemption if it does not apply)

Total Due 07/01/2022 Tax 943.36 Interest 0.00 Lien 0.00 Fee 0.00 Total 943.36 Overpaid Tax
Total Paid 01/23/2023 1,415.04 0.00 0.00 0.00 1,415.04 -471.68 ***
Adjusted Refund -471.68 0.00 0.00 0.00 471.68

PLEASE READ, SIGN, AND DATE BELOW:

I am entitled to this refund because I made the payments from funds under my control, and no other party will be requesting this refund. I understand that false or deliberately misleading statements subject me to penalties for perjury and/or for obtaining money under false pretenses.

Mike Appella
Print Name

[Signature]
Signature of Taxpayer

2/2/2023
Date

COLLECTOR'S RECOMMENDATION TO THE GOVERNING BODY

To the First Selectman, or

It is recommended that refund* of property taxes and interest in the amount of 471.68
be made to the above-named taxpayer in accordance with the provisions of Section (s):

Sec. 12-129 Refund of Excess Payments.

DATED AT KENT, CONNECTICUT THIS 25 DAY OF January 2023

[Signature]
DEBORAH DEVAUX

ACTION TAKEN BY GOVERNING BODY

The First Selectman, as authorized by the Board of Selectman, or
approved on the day of 2023. It was voted to refund
Property Taxes and Interest amounting to \$ to

First Selectman

Other Governing Body

Clerk

Mail To : DEBORAH DEVAUX
KENT
PO BOX 311
KENT, CT 06757



2021010000075

GENERAL DATA REAL ESTATE KENT

AS OF 01/25/2023

BILL NO: 2021-01-0000075
UNIQUE ID: 00174600
LINK#
FILE#
BANK:
ESCROW:
VOL/PAGE: 197-756
LIEN VOL/PAGE:
DISTRICT:
PROP ASSESSED: 50,800
EXEMPTIONS:
COC CHANGE:
NET VALUE: 50,800
MILL RATE: 18.5700

CURRENT OWNER: STERRY JOHN R & TONYA
ORIGINAL OWNER: AQUARIAN WATER CO OF CT
C/O:
ADDRESS:
CITY ST ZIP:
COUNTRY:
PROP LOC.:
EXR PROP LOC:
M/B/L: 10 40 1
ELD CODE: 0
EXMPT CHANGE:

18 SEGAR MOUNTAIN RD
KENT CT 06757
SEGAR MTN RD

Aquarian Water Co
600 Lindley St.
Bridgeport, CT 06606

*** BILLED ***

INST1	471.68	TOWN
INST2	471.68	
INST3	0.00	
INST4	0.00	
ADJS	0.00	
TOT TAX	943.36	
TOTAL PAID:	943.36	

TOTALS
471.68
471.68
0.00
0.00
0.00
943.36
943.36

*** PAYMENTS ***

TYPE	CYCLE	DATE	ADJ	TERM/BATCH/SEQ	INST	AMOUNT	INTEREST	LIENS	FEES	TOTALS
Ref	7	01/25/2023		80/3074/1	T	-471.68	0.00	0.00	0.00	-471.68
Pmt	7	01/23/2023	O	89/3065/27	T	471.68	0.00	0.00	0.00	471.68
Pmt	2	08/02/2022		89/3003/76	T	471.68	0.00	0.00	0.00	471.68
Pmt	1	07/26/2022		89/2033/26	T	471.68	0.00	0.00	0.00	471.68
TOTAL PAYMENTS						943.36	0.00	0.00	0.00	943.36

TOTAL BALANCE DUE AS OF 01/25/2023

INT DUE
LIEN DUE
FEES DUE
TAX DUE NOW
TOT DUE NOW
BALANCE DUE

*** FLAGS ***
Circuit Breaker Amount 0
Invalid Address Flag No

Benefit Year 0

REQUEST FOR ABATEMENT OR REFUND OF PROPERTY TAXES

Sec. 12-81(20), Sec. 12-124, 12-125, 12-126, 12-127, 12-127a, 12-128, 12-129 Rev. as Amended
This is to certify that M C VEHICLES HAULER LLC

has presented satisfactory proof that he/she is entitled to an exemption on the assessment list of 10/01/2021

- ☐ Sec. 12-81 (20) Servicemen Having Disability Rating.
☐ Sec. 12-124 Abatement to poor.
☐ Sec. 12-125 Abatement of Taxes of Corporations.
☐ Sec. 12-126 Tangible Personal Property Assessed in more than one Municipality.
☐ Sec. 12-127 Abatement or Refund to Blind Persons.
☐ Sec. 12-127A Abatement of Taxes on Structures of Historical or Architectural Merit.
☐ Sec. 12-128 Refund of Taxes Erroneously Collected from Veterans and Relatives.
☐ Sec. 12-129 Refund of Excess Payments.

M C VEHICLES HAULER LLC
16 ELIZABETH ST APT 15
KENT, CT 06757-1330

2021-04-0080271

80271

/BA84831/3C63RRGL0KG592187



2021040080271

To **DEBORAH DEVAUX** Collector of **KENT** State of Connecticut.

I hereby apply for refund* of such part of my tax as shall represent:

The service exemption or
(State reason -- Cross out service exemption if it does not apply)

		Tax	Interest	Lien	Fee	Total	Overpaid Tax
Total Due	01/01/2023	0.00	0.00	0.00	0.00	0.00	
Total Paid	02/21/2023	716.24	21.49	0.00	0.00	737.73	-716.24 ***
Adjusted Refund		-716.24	0.00	0.00	0.00	716.24	

PLEASE READ, SIGN, AND DATE BELOW:

I am entitled to this refund because I made the payments from funds under my control, and no other party will be requesting this refund. I understand that false or deliberately misleading statements subject me to penalties for perjury and/or for obtaining money under false pretenses.

MARCO A OLIVEIRA
Print Name

[Signature]
Signature of Taxpayer

02/22/23
Date

COLLECTOR'S RECOMMENDATION TO THE GOVERNING BODY

To the First Selectman, or
It is recommended that refund* of property taxes and interest in the amount of 716.24
be made to the above-named taxpayer in accordance with the provisions of Section (s):

DATED AT KENT, CONNECTICUT THIS 22 DAY OF February 2023

[Signature]
DEBORAH DEVAUX

ACTION TAKEN BY GOVERNING BODY

The First Selectman, as authorized by the Board of Selectman, or
approved on the _____ day of _____ 2023. It was voted to refund
Property Taxes and Interest amounting to \$ _____ to _____.

First Selectman

Other Governing Body

Clerk

Mail To : DEBORAH DEVAUX
KENT
PO BOX 311
KENT, CT 06757



GENERAL DATA MV SUPPLEMENTAL KENT

AS OF 02/22/2023

BILL NO: 2021-04-0080271 NAME: M C VEHICLES HAULER LLC
UNIQUE ID: 80271 C/O:
LINK # 2021-MS-0000208 ADDRESS: 16 ELIZABETH ST APT 15
FILE# ADDRESS2: KENT CT 06757-1330
BANK: COUNTRY:
ESCROW: 6781516-6430727-N
DMV CIVLS: 6781516-6430727-N
DISTRICT: 38,570 YR/MAKE/MDL 2019 / RAM / 3500 TRA
PROP ASSESSED: REG/CI/ID BA84831/2 / 3C63RRGLOKGS92187
EXEMPTIONS: MONTH CODE: A
COC CHANGE: -38,570 ASSMNT CHANGE: -38,570
COC #: 06103S TOWN BENEFIT 0.00
EXEMPT Change: TOWN BENEFIT
NET VALUE: REG# EXPR:
DMV CIVLS: 6781516-6430727-N

CURRENT VEHICLE... Value: 38,570 Credit: 0 Prorate: 38,570
OLD VEHICLE... Value: 0 Credit: 0 ADJ VAL: 38,570
MIL RATE: 18.5700

*** BILLED ***
INST1 TOWN TOTALS
INST2 716.24 716.24
INST3 0.00 0.00
INST4 0.00 0.00
ADJS -716.24 -716.24
TOT TAX 0.00 0.00
TOTAL PAID: 0.00

*** PAYMENTS ***

TYPE	CYCLE	DATE	ADJ	TERM/BATCH/SEQ	INST	AMOUNT	INTEREST	LIENS	FEES	TOTALS
Ref	8	02/22/2023		80/3079/1	T	-716.24	0.00	0.00	0.00	-716.24
Adj	8	02/22/2023	06103S	80/3078/1	T	-716.24	0.00	0.00	0.00	0.00
Pmt	8	02/21/2023		89/3079/13	T	716.24	21.49	0.00	0.00	737.73
TOTAL PAYMENTS						0.00	21.49	0.00	0.00	21.49

TOTAL BALANCE DUE AS OF 02/22/2023 TOWN
INT DUE 0.00
LIEN DUE 0.00
FEES DUE 0.00
TAX DUE NOW 0.00
TOT DUE NOW 0.00
BALANCE AMT 0.00
*** FLAGS ***
Circuit Breaker Amt 0 Benefit Year 0
Invalid Address Flag No
Last Adjustment Reason NEW REG- PAID ON RMV

Treasurer's Report

2/14/2023

	December		January	
A/P Checks Issued	119	257,036	12	481,988
Payroll	145	121,423	114	108,326
BoE Transactions	79	272,658	57	343,810
Deposits	13	1,061,427	13	1,364,342
Net Income to Expense	356	410,310	196	430,218

FY 2022 -2023

	Actual	Budget	% of Budget	Variance to budget
Income	\$ 9,302,620	\$ 13,776,199	67.53%	\$ 4,473,579
				\$ -
A · General Government	\$ 1,165,578	\$ 1,604,966	72.62%	\$ 439,388
B · Public Safety	\$ 179,575	\$ 514,236	34.92%	\$ 334,661
C · Public Works	\$ 718,283	\$ 1,856,172	38.7%	\$ 1,137,889
D · Health and Welfare	\$ 115,688	\$ 178,842	64.69%	\$ 63,154
E · Recreation	\$ 160,428	\$ 271,528	59.08%	\$ 111,100
F · Sanitation	\$ 81,127	\$ 147,931	54.84%	\$ 66,804
G · Board of Education	\$ 4,247,678	\$ 7,241,710	58.66%	\$ 2,994,032
H · Debt Service	\$ 38,906	\$ 38,906	100.0%	\$ -
I · Transfer to Capital	\$ 1,078,408	\$ 1,078,408	100.0%	\$ -
J · Transfer to Dog Fund	\$ 7,500	\$ 7,500	100.0%	\$ -
L · Transfer to Schaghticoke	\$ 30,000	\$ 30,000	100.0%	\$ -
K · Current Year Capital Projects	\$ 806,000	\$ 806,000	100.0%	\$ -
Total Expense	\$ 8,629,172	\$ 13,776,199	62.64%	\$ 673,447

Notes

\$71,087 MV Supplement Collections TD - \$70K was budgeted,\$ 94,175 was invoiced
 92.7% of budgeted taxes have been collected
 1,765,855 Taxes collected in January

For the most part, expenditures are aligned with budgeted amounts YTD.

83.9% of RoV and Deputy wages budgeted have been expended, it is most likely that line will exceed the budgeted amount, possibly to be offset by other dept lines
 95% of EMS staffing has been expended of original appropriation (130K)
 96% of KCS Ballfield Maintenance original appropriationhas been expended (20K)

Tn Hall Repairs **\$22869 over budget** (10K budgeted) , spent \$32,753 to date / \$29,648 was on Elevator

Swift House **\$1,377 over budget** on *Repairs and Maint*
 \$7,500 to replace sils and trim & drip edge & clean and stain benches
 \$1,034 for service call for Mul T Lock Cylinder change

	Capital Project	FYE 2022		Appropriation	State Grants / Donations		Interest Income	Expenditures	Transfers between projects	Projects to Close in FY 2022-2023	YTD 2023 Balance
		Balance Fwd									
1	Reserve Fund (5 Year Plan)	1,800,174.73		917,208.00			52,944.79		(644,800.00)		2,125,527.52
2	HWY Bridge Kent Hollow #18	-1,053.62									-1,053.62
3	HWY Bridge Kent Hollow #16	156,671.98						45,934.50			110,737.48
4	HWY Bridge Tanguay	5,803.82									5,803.82
5	HWY Garage (roof, siding)	200,000.00									200,000.00
6	HWY Truck # 1	60,000.00		-					-		60,000.00
7	HWY Truck # 2	100,000.00									100,000.00
8	HWY Truck # 5	0.00		48,000.00					192,000.00	-	240,000.00
9	HWY Truck # 6	5,538.55									5,538.55
10	HWY Carter Road #06153	-7,398.60									-7,398.60
11	HWY Carter Road #067015	-153,788.47									-153,788.47
12	Bulls Bridge Rehab	-597.48									-597.48
13	Fuller Mountain	257,886.08						2,775.30			255,110.78
14	Studio Hill	200,000.00									200,000.00
15	HWY Garage (doors)	24,000.00									24,000.00
16	HWY Mower	4,778.53									4,778.53
17	HWY Payloader	6,737.75									6,737.75
18	HWY Salt Brine Maker	35,000.00									35,000.00
19	HWY Zero Turn	15,000.00									15,000.00
20	HWY Kubota	0.00		7,000.00					28,000.00	-	35,000.00
21	HWY Compactor	40,000.00		-							40,000.00
22	HWY Parking Lot	30,000.00		8,000.00					32,000.00	-	70,000.00
23	KCS End Use Computing	31,670.57		-				-			31,670.57
24	KCS Entryway Security	30,747.89						12,333.01			18,414.88
25	KCS Roof	266,000.00		43,200.00					172,800.00	-	482,000.00
26	KCS Windows	12,453.46									12,453.46
27	KVFD Aerial Truck	2,606.78									2,606.78
28	KVFD Engine 1	825,000.00		-					-		825,000.00
29	KVFD Rescue 8	0.00		40,000.00					160,000.00	-	200,000.00
30	LoCIP - Bos	4,741.72				669.00					5,410.72
31	P/R - Tennis Courts	975.05									975.05
32	P/R Emery (repair pool floor)	150,000.00									150,000.00
33	P/R Kent Commons Playground	50,000.00		10,000.00					40,000.00	-	100,000.00
34	Community Hse (Bathrooms)	25,000.00									25,000.00
35	Senior Center Appliances	25,000.00									25,000.00
36	Revaluation	24,804.98		5,000.00					20,000.00	-	49,804.98
37	Streetscape Phase I	-1,094,616.53				-		119,767.02			-1,214,383.55
38	Streetscape Phase II	-193,175.53				25,576.63		19,790.00			-187,388.90
39	Town Hall (AC, pkgng lot, gen)	69,982.95									69,982.95
40	Town Hall (Carpet/Paint)	40,000.00		-					-		40,000.00
41	Town Plan	4,000.00						-	-		4,000.00
42	Zoning Regs	54,102.50		-				11,500.00	-		42,602.50
43	Tn Hall (Oil Tank)	25,000.00									25,000.00
44	KAH CDBG Grant	1,619.52									1,619.52
		3,134,666.63		1,078,408.00		26,245.63		52,944.79	212,099.63	0.00	4,080,165.22
											0.00
											0
											2/21/2023

MEMORANDUM

To: Kent Board of Selectmen
From: Kent Conservation Commission
Date: February 21, 2023
Re: Kent Land Acquisition Fund

Thank you for designating the Kent Conservation Commission as the lead agency for coordinating open space preservation efforts in Kent at the Board of Selectmen meeting on January 25, 2023 in accordance with the recommendations in Section 3.2 of Kent's 2022 Plan of Conservation and Development (POCD).

As requested by the Selectmen within that meeting, the below and attached summarizes the long history of dedicated work by Kent community leaders leading up to this opportunity to realize the POCD's vision and recommendation that Kent enact an ordinance permitting the town to acquire open space.

History

Connecticut's state legislature has provided through various enabling statutes the means by which municipalities may establish standing funds for the purpose of setting aside monies for the outright purchase of land or the purchase of easements on land. Under the various statutes, land or easements may be acquired for the purposes of maintaining, among other uses, open space, affordable housing and conservation of productive agricultural soils. In 1989 enacted CGS Section 7-131r, enabling its municipalities to establish special funds to be used to acquire land for open space, recreation, or housing.¹ Kent's 2012 and 2022 POCDs have recommended that Kent's municipal leaders use this authority to establish such a fund.

Spring/Summer 2004: The Kent Board of Selectmen elected to create a Land Acquisition Exploratory Committee to identify the future land needs of the town and to recommend possible solutions to the municipality. The committee was charged with the following task:

"The purpose of this committee is to help assure that the Town of Kent has planned for future real estate needs and what types of areas or parcels could satisfy those needs. The committee will first identify future land requirements of the town and suggest how the Town of Kent might satisfy the requirements. Recommend priorities to the Board of Selectmen. The completed plan will be brought to the Board of Selectmen who have the authority to bring recommendations to a town meeting to vote on the plan. *Key here is not to expose individual property owners*"

¹ CT Gen Stat § 7-131r (2020) Any municipality, by vote of its legislative body, may establish a special fund, which shall be known as the land acquisition fund. There shall be deposited in said fund, annually, an amount, not to exceed the amount which would be generated by the imposition of a tax of two mills against the property subject to tax in such municipality pursuant to chapter 203, as may be appropriated by the municipality. Such fund shall be used by the municipality for the acquisition of land to be used for open space, recreation or housing. Such fund shall not lapse at the close of the municipal fiscal year.

In **October 2007**, this committee presented its report recommending the Town appoint a standing Land Acquisition Advisory Committee, establish a Land Acquisition Fund, conduct a Cost of Community Services Study, and conduct a Build-Out Analysis. *A copy of the report is appended hereto.*

In **2009**, the Kent Conservation Commission published Kent's Natural and Cultural Resources Inventory, echoing the Land Acquisition Exploratory Committee's recommendation to establish a Municipal Land Acquisition Fund.

January 2011: As part of the Planning and Zoning Commission's planned update of Kent's POCD, it conducted a survey of Kent's residents and businesspeople indicating strong support for a land acquisition fund and willingness to pay for it.

October 2011, Kent's Board of Selectmen again convened a special committee, the Land Acquisition Advisory Committee, to "examine the Town's needs for land in the interests of Municipal use, recreation and conservation purposes and to advise the board regarding methods of funding such land acquisition."

November 2011, the Kent Conservation Commission sponsored a Buildout Analysis conducted by the University of Connecticut's Center for Land Use Education and Research (CLEAR). CLEAR's Analysis was presented at a Special Meeting of the Kent Conservation Commission in November 2011 with discussion following centered around Kent's zoning regulations and open space preservation needs. *The companion piece to the presentation slides is appended hereto.*

January 2012: The Land Acquisition Advisory Committee presented its report at the Annual Town Meeting (*report finalized in March 2012 and appended hereto*). It reaffirmed the conclusions and recommendations in the 2007 Report and forwarded a draft Ordinance to establish a Land Acquisition Fund and the methodology for its administration. The report also suggested a draft question to be put to Town vote.

In **April 2012**, the Kent Conservation Commission hosted a Special Meeting in partnership with the Trust for Public Land and Kent Land Trust focused on financing municipal land acquisition. The meeting, held on a Saturday and widely publicized, featured presentations by the Trust for Public Land and municipal leaders from the towns of New Hartford, New Milford, Roxbury and Sherman. Bruce Adams, First Selectman at that time, provided introductory comments.

In **November 2013**, then-First Selectman Bruce Adams brought the recommendation of the 2012 POCD, that the Board of Selectmen and Board of Finance work together to establish a Land Acquisition Fund to both the Board of Selectmen and the Board of Finance, presenting the Town of Goshen's Ordinance as an example. It is unclear what further action, if any, was taken.

In **August 2021** in conjunction with its planned update to the POCD, the Planning and Zoning Commission conducted a survey of town residents and businesses. Among their findings was continued support for a Land Acquisition Fund.

In **December 2022**, the P&Z adopted the latest POCD update, again recommending the establishment of a Land Acquisition Fund.

REPORT TO THE BOARD OF SELECTMEN

**LAND ACQUISITION EXPLORATORY
COMMITTEE**

OCTOBER 2007

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COMMITTEE MEMBERS

Bruce Adams

Richard Lindsey

Robert Beucler

Dolores Schiesel *

Ellen Corsell

Lynn Werner

Dennis De Paul

*** Resigned April 2007**

**Special thanks to the following individuals and organizations for their assistance,
information and advice.**

Kathryn Boughton

Ted Marks

Dan McGuinness

Andrew Roraback

Patrick Hare

Hugh Rawson

Nancy O'Dea -Wyrick

Gary Steinman

David Wieder

Kent Land Trust

Trust for Public Land

American Farmland Trust

Report of the Land Acquisition Exploratory Committee

AUTHORIZATION AND PURPOSE: In the spring and summer of 2004, the Kent Board of Selectmen elected to create a Land Acquisition Exploratory Committee to identify the future land needs of the town and to recommend possible solutions to the municipality. The committee convened its first meeting in September 2004 with 5 members, all appointed by the Board of Selectmen. Two additional members were appointed at a later date bringing the membership of the committee to 7. The committee was charged with the following task:

“The purpose of this committee is to help assure that the Town of Kent has planned for future real estate needs and what types of areas or parcels could satisfy those needs.

The committee will first identify future land requirements of the town and suggest how the Town of Kent might satisfy the requirements.

Recommend priorities to the Board of Selectmen.

The completed plan will be brought to the Board of Selectmen who have the authority to bring recommendations to a town meeting to vote on the plan.

****Key here is not to expose individual property owners**”**

The committee was given no funding or deadline for the completion of its task.

METHOD: The committee researched the potential land needs of the town as well as mechanisms for funding the acquisition of such parcels reviewing Kent's Town Plan for Conservation and Development, including Kent's Open space plan.

The committee reviewed how other communities approached the same task including neighboring and nearby towns which had experience in such efforts.

The Northwest Connecticut Council of Governments and the CT Office of Legislative Research were consulted.

The Report of the Ad Hoc Committee Study of a New School (2001) was reviewed.

CT legislation and statutes that enable municipalities to establish funding for the acquisition of land for open space, agricultural use, and affordable housing, among other municipal uses were reviewed.

A public survey was circulated throughout the town as well as published online in the KentTribune.com and in print in the Kent Good Times Dispatch.

A public forum was held in June 2005 to further gather the views of the community.

WHAT ARE THE BENEFITS OF REVIEWING AREAS FOR POTENTIAL ACQUISITION?

Development pressures in the northwest corner of Connecticut in general, and in Kent in particular, intensify and ebb in concert with the condition of the national economy. In booming economic periods when credit is easily available and interest rates are low, development activity increases. In periods of economic slowdown or actual recession, development pressures tend to ease. As noted in Kent's Open Space Plan of 1990, the lulls between development booms allow the town a breathing space to plan and determine how the town wishes to grow, the type and rate of growth desired, and what aspects of the town should be retained.

Much of Kent's open space is permanently protected in some manner. But much of the land perceived to be open space could come to market for development at any time. Preparing for future town needs can save considerable cost and controversy. The location of parcels that would suit the town's needs or fit into its goals of conservation is only one consideration. Preparation of the sources of funding for land acquisition is of at least equal importance. Again, advance planning is key to avoiding decisions made in a 'crisis' mode or risking the chance of missing a timely opportunity.

WHAT IS A LAND ACQUISITION FUND?

The legislature of state of Connecticut has provided through various enabling statutes, the means by which municipalities may establish standing funds for the purpose of setting aside monies for the outright purchase of land or the purchase of easements on land. Under the various statutes, land or easements may be acquired for the purposes of maintaining, among other uses, open space, affordable housing and conservation of productive agricultural soils. Many towns have opted to set aside a fraction of a mil, added to the town budget on an annual basis to finance the fund. Others have elected to pass bond issues as a source of funding. Funds set aside in this manner are usually invested in some form of accessible, dividend bearing instrument or equity and are dedicated to the specific purpose of land or easement acquisition. The fund cannot be absorbed into the general fund or used for anything other than land purchase or easement acquisition purposes.

A Land Acquisition Committee may be formed as a stand alone body, or the town's Conservation Commission can serve as the body to set criteria for the acquisition of parcels within the town. If the committee recommends a particular parcel for purchase or easement, a public hearing is held and a vote by registered voters and property tax payers of the town make the final determination.

Although there is no central database listing towns that have established Land Acquisition Funds, information gathered by Dan McGuinness of the Northwest CT Council of Governments and Sen. Andrew Roraback through the CT Office of Legislative Research indicates that approximately 30 CT municipalities have

COMMUNITY RESPONSE

In an effort to access community sentiment regarding the establishment of a Land Acquisition Fund and gain a sense of the range of community ideas and concerns, the committee distributed a public survey and held a public forum to discuss the issue.

The survey was not scientifically designed and was implemented to inform the public of the idea of an acquisition fund and to garner ideas regarding municipal needs for land. The survey was distributed at high pedestrian traffic locations in town, published on line in the KentTribune.com and published in the Kent Good Times Dispatch.

The Public Forum was held on the evening of June 6, 2005 at the Kent Town Hall and was attended by approximately 50 people.

SURVEY OF PUBLIC OPINION

37 responses to the survey were received.

Community respondents overwhelmingly agreed (93%) that the Town of Kent should establish a funding mechanism to acquire land for current and future community needs. Respondents identified a number of uses and types of land they deemed the town should purchase.

In Part 1 of the survey, respondents were asked to rate the relative importance of 17 types of land. Those types that received more than 50% support as IMPORTANT were:

Affordable housing	(55%)
Critical Watersheds	(60%)
Farms and agricultural land	(65%)
Wildlife habitat and travel-ways	(52%)

Those uses deemed UNIMPORTANT were:

Boat launch on the Housatonic	(65%)
A veterans memorial	(52%)
Emergency communications tower	(59%)

In part 2 of the survey, respondents identified additional reasons why the Town of Kent should consider purchasing land, including access to water for watershed protection and recreation (Housatonic River, Spectacle lakes or Leonard Pond), Conserving greenways or large swaths of land to provide for nature and recreation,

established some form of Land Acquisition Fund as permitted by CT statutes. A brief synopsis of the experience of three nearby/neighboring towns, Sherman, Washington and Roxbury, as well as a list of other municipalities that have established such funds is included in this report.

WHAT ARE THE BENEFITS TO THE COMMUNITY IN ESTABLISHING A LAND ACQUISITION FUND?

Development pressures and economic conditions beyond the control of any municipality have placed northwest corner of Connecticut in the unenviable position of having outside market forces dictate the rate and type of growth we experience. Zoning regulations alone do not sufficiently protect the long term town interests. The rationale for zoning regulation is to ensure the orderly development of land. Non-profit organizations such as The Kent Land Trust have done a remarkable job of protecting specific parcels in Kent, especially the southern entry to the town among other parcels, but are ill equipped to act rapidly in circumstances where time is of the essence. Should an opportunity arise in which a parcel of land deemed by the community to be important to the town's character or useful to the town for current or future use come onto the market, the town currently has no ready means or policy that would enable timely action.

The establishment of a Land Acquisition Fund could allow the community to respond rapidly to opportunity or crisis as parcels of interest come to market. Such a standing fund would provide the community an increased level of control over its future. The regular setting aside of monies in a fund as a part of the annual budget would allow the town the flexibility to respond to crisis or opportunity on relatively short notice and is a prudent way to prepare for future contingencies.

COMMON LOCAL FINANCING OPTIONS FOR LAND ACQUISITION

PAY- AS -YOU- GO OPTIONS

METHOD	DEFINITION	PROS	CONS
Small property tax increase for land acquisition fund.	Tax on real property paid by commercial residential property owners as provided for in current CT statutes	Steady source of revenue Easy administration Tax burden fairly and broadly distributed Small increases create substantial funding Popular with voters when focused on town needs	Competition for other public purposes General concern about high taxes
Annual budget line item	Amount determined annually and made part of annual budget	Easy administration Tax burden fairly and broadly distributed Small increase creates substantial funding	As above, plus funding may be uneven year to year
Fee in lieu of open space	Subdivision fee by developer instead of open space set aside	Shifts funding to developers rather than taxpayer property tax	Rarely produces sufficient funding for purpose Increases costs of housing
Undesignated general reserve fund	Taps general reserve fund	Uses funds already set aside by town in budgeting process	Must be replaced in order to maintain credit rating. Inevitable significant tax increase to replace expenditure

LONG TERM BORROWING OPTIONS

METHOD	DEFINITION	PROS	CONS
General obligation bond	Loan taken by town against value of taxable property or future revenues	Allows for immediate purchase of property at current prices Distributes cost of acquisition over time	Added cost of interest Voter approval required Final result can be delayed
Revenue bond	Loan paid from proceeds of a tax levied for the use of a specific public project, or with proceeds of fees charged to those who use the financed facility	Not constrained by debt ceiling of general obligation bonds.	More expensive than General obligation bonds

Adapted from:
 CONSERVATION FINANCE HANDBOOK, K. Hopper and E. Hook
 The Trust for Public Land, San Francisco. 2004

providing sites for educational facilities or adult day care and a single suggestion that the town provide a community farm/compost opportunity and animal shelter.

This was not a scientific survey. The sample was small and not randomly selected. Estimates to conduct a valid survey ranged from \$ 5,000 to \$ 12,000.

MUNICIPAL USES

The current and future requirements of the town generally cover the following uses and are listed here in no particular order of importance.

RECREATION

Athletic fields
Walk / bike trail network
Boat launch in north Kent – Housatonic river

CONSERVATION

Greenways – River corridor
Farms and prime agricultural soils
Aquarian lands – future potable water sources
Critical watersheds
Unfragmented forest / wildlife habitat and travelways
Scenic character areas
Wetlands – vernal pools

MUNICIPAL

Affordable housing
Public restrooms
Parking
Veteran's memorial sites
Town forest
Future elementary school site
Town green

Rather than attempt to catalogue or prioritize a list of parcels in Kent that should be considered as candidates for acquisition, the committee determined that the inclusion of town character areas enumerated in Kent's Town Character Study and Open Space Plan of 1990 would be a sufficient demonstration that parcels suitable for conservation or future municipal use exist throughout the town. That list is included here. Some of these areas, mostly open spaces, have already been conserved through the actions of various land trusts, state and federal government, private individuals and other not-for-profit organizations.

**Geer Mountain Panorama
Ore Hill Panorama
Lower Treasure Hill Road Panorama
Treasure Hill Area
Kent Hollow Farm Area
West Aspetuck/Beardsley Road Area
East Kent Hamlet
Cobble Brook Valley
Flanders Hamlet
Kent Village
Housatonic Valley Meadows
Bulls Bridge Hamlet/Covered Bridge and Gorge Scenic Area
Macedonia Brook Valley
Kent Falls and Overlook
Tobin Farm
Skiff Mountain Fields
Pond Mountain Area
Reservation Road
River Road
Appalachian Trail**

**THE FOLLOWING 31 CONNECTICUT TOWNS HAVE ESTABLISHED LAND
ACQUISITION FUNDS (Known dates of establishment included)**

<i>Bethany</i>	<i>1974*</i>
Bolton	1996
Canton	
Derby	1996
Enfield	
East Hampton	
Fairfield	1997
Glastonbury	
<i>Goshen</i>	<i>1986*</i>
Groton	2004
Guilford	
Hebron	
Killingly	2000
Litchfield	
New Hartford	2002
Newington	1998
North Branford	1996
Plainville	2005
Pomfret	
Rocky Hill	2003
Roxbury	2001
Salem	
Sherman	2003
Simsbury	2000
Stonington	
Trumbull	
Washington	2003
Watertown	
Wethersfield	1994
Westport	
Woodbury	
Woodstock	1999

**Bethany and Goshen established a land acquisition fund prior to the passage of
CGS § 7-131r.**

Town of Roxbury, CT – Land Acquisition Fund

Concerned about rapid residential growth, the Roxbury Board of Selectman directed the town Conservation Commission to research the viability of establishing a land acquisition fund under CGS § 7-131r to annually set aside an amount not to exceed 0.5 mil.

Prior to bringing a referendum to establish a land acquisition fund to the public for approval, the Conservation Commission performed an in house build-out analysis and cost of services study, which were included in several public presentations.

The measure was approved by the voters. Beginning with the fiscal year 2001-2002, \$100,000 has been appropriated toward the land acquisition fund in each budget year since its inception. The amount is not tied to a set mil rate and is established anew each year. This fund is augmented by private contributions, fees in lieu of subdivision open space set asides and surpluses from fines levied by the wetlands commission. The fund is invested in readily accessible interest bearing accounts as per the policy of the Town of Roxbury.

To date, two parcels that connect already conserved land have been purchased. The decision to make these purchases was by a vote of property owners and registered voters at town meetings. One parcel of approximately 5 acres connects the old town hall to the town library. The other 3 acre parcel is an open field next to the town market. The market price of these parcels was approximately \$ 250,000 each. Additional fund raising was conducted for both and in the case of the first parcel, the seller, in a bargain sale, lowered the cost to the town considerably.

The amount currently available in the fund is approximately \$ 726,000.

Town of Washington, CT– Land Acquisition Fund

In 2003 the Town of Washington voted to establish a land acquisition fund, setting aside \$ 150,000 each year for the first three years and \$ 50,000 in the past year. To date no parcels have been purchased nor easements acquired using the fund. \$ 6,000 has been appropriated to appraise and investigate the suitability of parcels for acquisition. The amount available in the fund is currently \$ 475,000.

In addition, Washington has created a fund for the purchase of land specifically for affordable housing and currently has set aside \$ 175,000 for that purpose.

The specific ordinance crafted by Washington to establish the fund can be found in the appendix.

Town of Sherman, CT – Land Acquisition Fund

The Town of Sherman has experienced a rapid increase in population. Between 1980 and 2006 the population grew from 2281 to 3995, an increase of 1714 or 75%.

In 2003 the town established a Land Acquisition Advisory Committee and added one quarter of one mil to the property tax rate to fund future land purchases or easements. Rather than revisit this appropriation in each succeeding budget year, the town passed a bond issue for \$ 3.5 million in June of 2007 for the sole purpose of land acquisition.

The town has purchased one family farm slated for development and has a number of parcels under consideration.

FINDINGS AND RECOMMENDATIONS

The perception that Kent and surrounding communities possess vast areas of open space is, in part, an illusion. Large parcels that have never been developed are often assumed to be under some type of conservation easement or permanent protection. While this is the case for some areas in Kent, many large parcels have no such protection and can and do from time to time come on to the real estate market. Radical change in the appearance, the use of land and the population of a small community can occur in a relatively short period of time.

Over the past decade, the northwest corner of Connecticut has experienced increasing development pressure and growth. New Milford experienced 22% growth in its population between 1990 and 2005. In the period from 1970 and 2006 Kent's population increased by 56%. It is estimated that Connecticut loses approximately 8000 acres of farmland to development each year. The CT Department of Environmental Protection estimates that as much as half of the state's wetlands have been lost since the initial European settlement.

It is and has been a bedrock principle of town plans for conservation and development in the northwest corner to maintain the features that give our communities their rural character. Maintaining these features is more easily stated than accomplished. The need for affordable housing has only increased in the past decade as land values and the costs of residential construction have far exceeded the rate of inflation. Tangible efforts are needed if the objectives in our plans for conservation and development are to become more than well intended but ineffective platitudes.

Zoning regulations are an essential mechanism in determining the type and location of various types of construction and land use, but are not primarily designed to protect cultural, natural or scenic resources. The rationale for zoning regulation is to facilitate the orderly development of real estate in a predictable fashion. Zoning regulations alone cannot protect irreplaceable natural resources.

Local land trusts are enormously valuable assets to the community, but at best are able to provide only a part of the solution. The objectives of local land trusts usually differ from those of the municipality with respect to the need for affordable housing, future school sites or other municipal needs.

LAND ACQUISITION ADVISORY COMMITTEE

The Board of Selectmen should appoint a standing committee which would establish criteria for considering parcels to be acquired or the purchase of easements in the town's interests. No such purchase or easement could be pursued without public hearing and vote.

COMMITTEE RECOMMENDATION

That the Board of Selectmen appoint a standing Land Acquisition Advisory Committee.

LAND ACQUISITION FUND

Having a plan for land acquisition and a funding mechanism in place would accomplish a number of objectives. Establishing a land acquisition fund would:

Recognize and make provisions for the current and future land needs of the town,

Provide a level of insurance against rapid change that can occur when development pressures materialize in the form of sudden proposals that may not be in the town's best interests. Rather than wait for a crisis to develop, it would allow the town to avail itself of opportunities as they arise,

Provide an even, predictable method of setting aside funds over time for land acquisition, spreading the burden of costs among taxpayers,

Provide a prudent way to plan for our future allowing the people of Kent more control over the type and rate of development in town,

Provide a financial basis to secure matching funding from state federal and private sources by demonstrating the town's commitment to the aspirations of maintaining its rural character as set forth in our town plan.

The Town of Kent should establish a Land Acquisition Fund setting aside approximately \$ 100,000 each year. This incremental set aside could be augmented by fees in lieu of subdivision open space and other sources. Such a fund would allow the town to apply for state matching funds for open space grants, further leveraging the purchasing power of the town's funding. A review of the methods used by Roxbury, Sherman and Washington could inform Kent's ordinance. All funds would be dedicated specifically for land acquisition or necessary activities leading to land acquisition and the funding could not be used for any other purpose. The fund

should be invested in interest or dividend yielding instruments as per the policy of the town treasurer.

COMMITTEE RECOMMENDATION

That the Town of Kent establish a Land Acquisition Fund.

COST OF COMMUNITY SERVICES STUDY

It is widely acknowledged that developed property costs more in town services than it generates in tax revenue, whereas undeveloped property generally costs a town less in services than it pays in taxes. Therefore it is wise policy for any community to realize a balance in various forms of land use in order to insure an affordable and predictable tax base and budgeting process.

The committee has reviewed Cost of Community Service (COCS) data from other towns but finds no such information for Kent.

The process of determining what if any land should be set aside for open space or other community use would benefit from the availability of current CCS data

Rather than make assumptions based on intuition, the Town of Kent should develop accurate COCS information specific to the circumstances of the town.

COMMITTEE RECOMMENDATION

That the Town of Kent contract for a Cost of Community Services Study.

COMMUNITY BUILD-OUT ANALYSIS

Residents often assume that their community's zoning regulations will protect them from inappropriate development, but conventional zoning and subdivision regulations typically allow development on *all* buildable land. A build-out analysis allows a community to test its existing regulations – to glimpse its possible future when all land is developed to the maximum extent allowed under law. Build-out is a tool that shows the consequences that arise from the logical progression of a community's current zoning regulations. A build-out analysis can be extremely useful in helping local land use commissions make good planning decisions.

The committee finds that a build-out analysis would be extremely helpful in fine tuning the identification of parcels that might wisely be set aside for open space or other community uses.

COMMITTEE RECOMMENDATION

That the Town of Kent contract for a professional build-out analysis.

TOWN OF WASHINGTON

ORDINANCE TO ESTABLISH AN OPEN SPACE and LAND ACQUISITION FUND

Section I: Purpose

Pursuant to the provisions of CGS 7-148(c)(2)(K), the Town of Washington does hereby create a special fund for the protection and preservation of Washington's natural resources and rural character. The fund shall be known as the Open Space and Land Acquisition Fund. Such fund shall not lapse at the end of the municipal fiscal year.

Section II: Sources of Funding, Investments, and Limitations on Use of Fund

A. In addition to such sums as may be appropriated by the Town for deposit into said Open

Space and Land Acquisition Fund, The Town is authorized to and shall deposit all monies received by it, from whatever source, as monetary gifts for the acquisition and preservation of open space, including fees, monetary gifts, grants and loans, unless otherwise restricted, into said Open Space and Land Acquisition Fund.

B. In addition, fees to the Town collected in lieu of any requirement to provide Open Space pursuant to CGS 8-25 and 8-25b and as authorized by the Washington Planning Commission pursuant to the Washington Subdivision Regulations, shall also be deposited into said Open Space and Land Acquisition Fund.

C. Said Fund shall be in the custody of the Town Treasurer. All or any part of the monies in said Fund may be invested in any securities in which public funds may be lawfully invested. All income derived from such investment shall be placed into the Fund and become a part thereof. The monies so invested shall at all times be subject to withdrawal for use as hereinafter set forth.

D. No sums contained in said Open Space and Land Acquisition Fund, including interest and dividends earned, shall be transferred to any other account within the Town budget. No expenditures shall be made from said account except in accordance with the provisions of this Ordinance.

Section III: Expenditures from Fund

A. The continuation of the Open Space and Land Acquisition Fund shall be perpetual, notwithstanding that from time to time said Fund may be unfunded.

B. Expenditures shall be made from the Open Space and Land Acquisition Fund only in accordance with the following procedures and requirements:

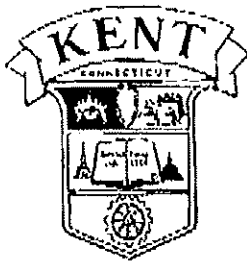
1. Said expenditures shall be made exclusively for the appraisal, acquisition and preservation costs relating to parcels of land or easements, interests or rights therein, the use of which shall be limited to retention of the parcel in its natural condition or the protection of natural resources for passive recreational or agricultural purposes.
2. Recommendations for the appropriation for acquisition of any parcel and/or easement, right, or interest therein, including the sum to be expended, shall be approved by a vote of the Washington Conservation Commission and forwarded to the Planning Commission Board for a report in accordance with CGS 8-24.
3. Following review by The Planning Commission, and incorporation of any changes approved by vote of the Conservation Commission, any recommendation for appropriation of monies for acquisition shall be forwarded to the Board of Selectmen for approval and thence to the Board of Finance.
4. Following the approval of such recommendation by the Board of Finance for the appropriation of funds, the Board of Selectmen shall present it for vote at a duly-warned and noticed Annual or Special Town Meeting.

5. That upon recommendation of the Chair of the Conservation Commission, the Board of Selectmen shall have authority to spend up to \$6,000.00 per potential acquisition for expenses incurred in investigation as to the suitability of land for acquisition by the Town of Washington. Such expenses shall include payment for the services of real estate appraisers, soil scientists, environmental planners and the like.

This ordinance shall become effective **November 1, 2003.**

Section 5 was approved as an amendment on August 25, 2005 and will take effect fifteen days after publication in accordance with Connecticut General Statutes Section 7-157 (**September 18, 2005**).

Sec. 7-131r. Land acquisition fund. Any municipality, by vote of its legislative body, may establish a special fund, which shall be known as the land acquisition fund. There shall be deposited in said fund, annually, an amount, not to exceed the amount which would be generated by the imposition of a tax of two mills against the property subject to tax in such municipality pursuant to chapter 203, as may be appropriated by the municipality. Such fund shall be used by the municipality for the acquisition of land to be used for open space, recreation or housing. Such fund shall not lapse at the close of the municipal fiscal year.



TOWN OF KENT LAND ACQUISITION EXPLORATORY COMMITTEE

COMMUNITY SURVEY INSIDE



PUBLIC FORUM JUNE 6 AT 7:30 P.M.

The land exploratory committee has met since September 2004 discussing possible municipal needs that would involve acquiring land or easements or options to buy. The members have discussed many possibilities, and at this time, are welcoming community input.

To that end, the Committee is sponsoring a community forum on Monday, June 6 at 7:30 p.m. in Kent Town Hall. It will have a moderator available to promote discussion of this topic. Gary Steinman, a Roxbury resident and member of that town's conservation commission has agreed to moderate. This is an excellent chance to give input early on what you think of municipal land acquisition. See you there.

WHO ARE WE?

The Land Acquisition Exploratory Committee was created by the Kent Board of Selectmen with this statement: "The purpose of this committee is to help assure that the Town of Kent has planned for future real estate needs and what types of areas or parcels could satisfy those needs."

The board wanted to be sure Kent is adequately planning for its future real estate needs. The

THE IMPORTANCE OF PLANNING MUNICIPAL LAND PURCHASES

Having a plan for municipal land acquisition and a funding mechanism in place accomplishes a number of objectives:

- ◊ It recognizes and makes provision for the needs Kent currently has and will have in the future.
- ◊ It provides a level of insurance against the rapid changes that can occur when development pressures materialize that may not be in the town's best interest.
- ◊ It provides an even, predictable method of setting aside funds for land acquisition, spreading the burden of costs over time.
- ◊ It avoids sudden unanticipated spikes in tax rates.
- ◊ It allows the town to have funds when an opportunity becomes available.
- ◊ It provides a basis to leverage other funding sources such as state, federal and private by demonstrating the town's intent to realize plans set forth.
- ◊ It places control over the expenditure of land acquisition funds in the hands of the voters of the town. No expenditure can be made without a public dialogue and vote.

members of the committee come from a wide cross section of the community. They are: Bruce Adams, Bob Beucler, Ellen Corsell, Dennis DePaul, Dick Lindsey, Lorry Schiesel and Lynn Werner.

TOWN LAND ACQUISITION SURVEY

In order for the Land Acquisition Exploratory Committee to be able to provide the Board of Selectmen with a report that reflects the community's opinions, it needs to hear from you.

Kent is changing. What kind of legacy do you want to leave for future generations?

SURVEY - PART 1

Please rate the following list of potential uses by checking the box which most closely states how important each use is to you.

1 is "Not Important at All" and 5 is "Very Important."

1 Athletic fields	1	2	3	4	5
2 Affordable housing	1	2	3	4	5
3 Boat launch on the Housatonic River	1	2	3	4	5
4 Critical watersheds	1	2	3	4	5
5 Downtown parking	1	2	3	4	5
6 Emergency communications tower site	1	2	3	4	5
7 Elementary school site	1	2	3	4	5
8 Farms and agricultural land	1	2	3	4	5
9 Greenways	1	2	3	4	5
10 Public rest rooms	1	2	3	4	5
11 Scenic character areas	1	2	3	4	5
12 Sources of drinking water	1	2	3	4	5
13 Town forest	1	2	3	4	5
14 Town green	1	2	3	4	5
15 Veterans' memorial	1	2	3	4	5
16 Wetlands - vernal pools	1	2	3	4	5
17 Wildlife travelways and habitats	1	2	3	4	5
Other ideas: _____	1	2	3	4	5

SURVEY - PART 2

Please respond to these questions with your written comments. Your responses may be as long or short as you wish.

- 1 Is there a community need that would involve town ownership of land not covered in SURVEY - PART 1? Would you support town involvement?
- 2 Do you feel that a purchase of land that is to be used for town residents and guests "must" benefit as many age groups as possible or do you feel that if a specific parcel of land were to become available that accomplished a specific purpose the town should take advantage of the opportunity?
- 3 Would you support a one-time single, larger tax assessment that would be used to purchase an identified piece of property?
- 4 Would you support a smaller multi-year assessment that would be placed into an account to grow over time and as enough money is acquired, specific pieces of land could be purchased?
- 5 Do you believe that if possible, a specific, single parcel of land should be purchased that could accomplish as many tasks as possible for as many special interest groups as possible or should separate pieces of non-connected property be acquired over a period of time?
- 6 Some communities use a flat mil rate to support a land acquisition fund. What is your reaction to such an annual tax? What percent of a mil could you support?
- 7 If it came to a vote for town residents would you vote for the purchase of land that would clearly benefit a particular age group (ex: school age or senior) but may not benefit your age group?
- 8 If the town had \$1,000,000 to spend on land acquisition, what would be your municipal land acquisition priorities?
- 9 The Land Acquisition Exploratory Committee identified main areas of municipal land needs: GOVERNMENT, RECREATION and CONSERVATION. How important is each of these initiatives to the quality of life in Kent?

WHAT TO DO WITH YOUR SURVEY:

Return completed surveys to the Public Forum on June 6th or leave at the Selectmen's Office in Town Hall or the Kent Memorial Library. If you want to mail send to: Kent Town Hall, P.O. Box 678, Kent, CT 06757

GLOSSARY OF TERMS

This glossary defines some terms useful to the discussion of land use and acquisition.

Bargain sale: Sale of a property at less than fair market value. The difference between a sale price and fair market value often qualifies as a tax deductible contribution.

Conservation: Protection of land and related natural resources.

Conservation easement: A legal agreement allowing a landowner to transfer selected property rights to a land trust. The landowner retains title to the property.

Easement: The right to go onto another person's property or use that property for a specific purpose; a right of way. An easement is granted by the landowner.

Fair market value: The price that a piece of property could earn if sold to an ordinary buyer on the open market.

Fee simple: A way of describing full ownership of a piece of land, including all the legal rights of the property.

Greenspace: A term applied to certain urban areas, including parks, preserves and public or private lands. In general these places are over an acre, well separated from manmade developments and contains forests, gardens, grass or other foliage.

Greenway: Corridors of various widths used for a common purpose such as recreational or ecological

Mil rate: Taxation rate based on \$1 per every \$1000 of assessed value of a property.

Open space: An undeveloped piece of land adding ecological, scenic or recreational value to an urban area. It can be public or private.

Option: An agreement to purchase or lease within a specified time

Property tax: A tax, paid by a landowner, based on the government's estimate of land value.

Preservation: Often used interchangeably with conservation. preservation suggests that natural resources will be left undisturbed, while conservation usually indicates some resource management.

Remainder interest: A landowner may transfer a property to a land trust, but keep the right to live on the land until his or her death. Full ownership is not transferred to the trust until after the donor's death.

• **Riparian habitat:** Habitat that is next to, or affected by, water sources such as rivers, creeks, lakes and springs.

Vernal pool: A contained basin depression lacking a permanent above ground outlet.

The committee acknowledges the help of the Oregon Land Trust Story for definitions.

**SEE INSIDE FOR COMMUNITY LAND SURVEY
SHARE YOUR IDEAS!**

TOWN OF KENT 2011 BUILDOUT ANALYSIS



A Special Meeting of the Kent Conservation Commission November 19, 2011 ~ 2:00 pm



Photo: Randy O'Rourke

What is a Buildout Analysis?

Simply put, a **Buildout Analysis** is a tool used to project and visualize the degree of development that would occur in a community if it were to build on every available acre of land allowed by current regulations.

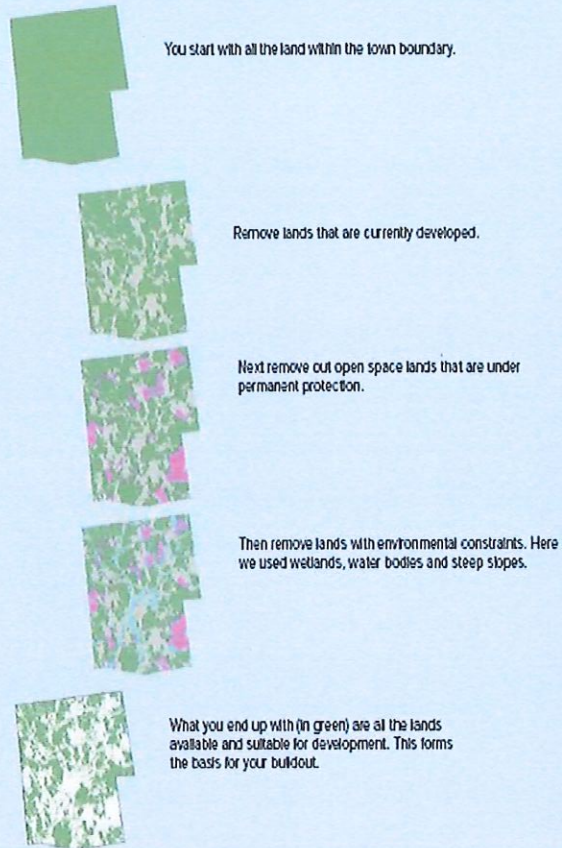
This visual analysis is created using a community's zoning requirements and parcel maps, together with computer geographic software such as Google Earth and ArcGIS (Geographic Information System). For the purposes of the analysis, what is considered buildable land is limited by natural constraints such as steep slopes, shallow soils and wetlands; by land use regulations such as minimum lot acreage, septic requirements, and wetland setbacks; and by existing development or protection status.

Kent's Buildout Analysis benefits from both a **Numeric Buildout**, a data-driven formula multiplying available space by permitted density; and a **Spatial Buildout**, the theoretical placement of buildings on undeveloped land at the parcel level.

No timeframe has been defined. The analysis shows an indefinite future.

The Buildable Lands Analysis

The first step in the GIS-based buildout is to determine the amount and location of lands available and suitable for development. This analysis, sometimes called the "buildable lands" analysis, is essentially an exercise in subtraction, beginning with all the land in the town and subtracting each GIS data layer that symbolizes lands that cannot support future development.



Why did Kent Do a Buildout Analysis?

The Kent Conservation Commission wanted to visualize potential development within the town in order to help guide the update of the Town Plan of Conservation and Development, and to evaluate current zoning regulations. The analysis will help Kent assess planning issues related to additional homes and corresponding population increase, as well as additional development, including:

- The number of new homes that could be built in Kent, and their distribution
- The impact of development on natural resources including streams, lakes, wildlife, forests, farmland, sensitive ecosystems and open space
- The increase in impervious surface, with subsequent decrease in groundwater recharge and increase in flooding
- Transportation infrastructure
- Energy infrastructure
- Impacts on the ratio of commercial to residential tax base, and tourism
- Increase in the school age population, and what this would mean for our school system
- Municipal services including police, fire, recreation, waste management, and social services

Kent's Zoning Regulations

Unlike most Connecticut towns, Kent has **soil based zoning** in the Rural District. The Rural District comprises 99% of the town's acreage (includes waterbodies). The village center has standard zoning with smaller lot sizes, and commercial as well as residential zones.

With soil based zoning the minimum lot acreage is determined by the ability of the soils to handle septic effluent, and of the terrain to accommodate buildings and driveways without excessive grading or offsite drainage. The best soils are relatively level, with good drainage, no ledge, no shallow groundwater table or soil compaction, and the minimum allowable lot size is 1 acre. On medium soils building lots need to be at least 3 acres; on soils and terrain less favorable to development a minimum of 5 acres is needed; while in the least favorable conditions (Miscellaneous soil category) the Planning and Zoning Commission will determine if any construction is allowable based on a detailed soil survey. Wetland soils are generally off-limits to new development.

The zoning and subdivision regulations can be downloaded from the town website www.townofkentct.org. A general zoning map showing the Rural and Village Center Districts, plus some overlay zones, is also available. The 1, 3, 5 acre and Misc. zones are not shown on the download; Map 6 (Soil-based Zoning) in the Kent Conservation Commission's publication, *Natural & Cultural Riches of Kent*, provides detail about the distribution of these soil-zones.

Zoning Soil-based Zoning

Non-Rural Zones	282 acres	1% of Kent area
Water	823 acres	3% of Kent area
Rural Zone (Soil-based zoning)	30,171 acres	96% of Kent area



Village Center Zoning

Zoning categories in the Village Center include:
VC-R1 residential with minimum lot size 10,000 SF
VC-R2 residential 30,000 SF
VC-C commercial 30,000 SF or
I industrial with minimum lot size 30,000 SF.

Further Assumptions and Constraints Used in the Analysis

The following were removed from the analysis as "unbuildable" due to use restrictions and environmental constraints:

- Water (823 acres/3% of Kent)
- Very Poorly Drained Soils (2241 acres/7% of Kent)
- Slope 25% or greater (8463 acres/27% of Kent)
- Permanently protected land (11,208 acres/35.3% of Kent)
- Total removed = 18,497 acres/59% of Kent's total land

Note: Permanently protected land acreage overlaps land that contains additional constraints, so the total is not a sum of the above list.

Setbacks – For the spatial buildout, the analysis used minimum side yard 30ft setbacks, for a minimum 60 ft separation between homes.

Efficiency Factor – For the numeric buildout, the analysis used an efficiency factor of 75% (limited the number of new buildings to 75% of the maximum possible to account for the land used for road right of ways, parcel configurations, and for other inefficiencies of subdivision design).

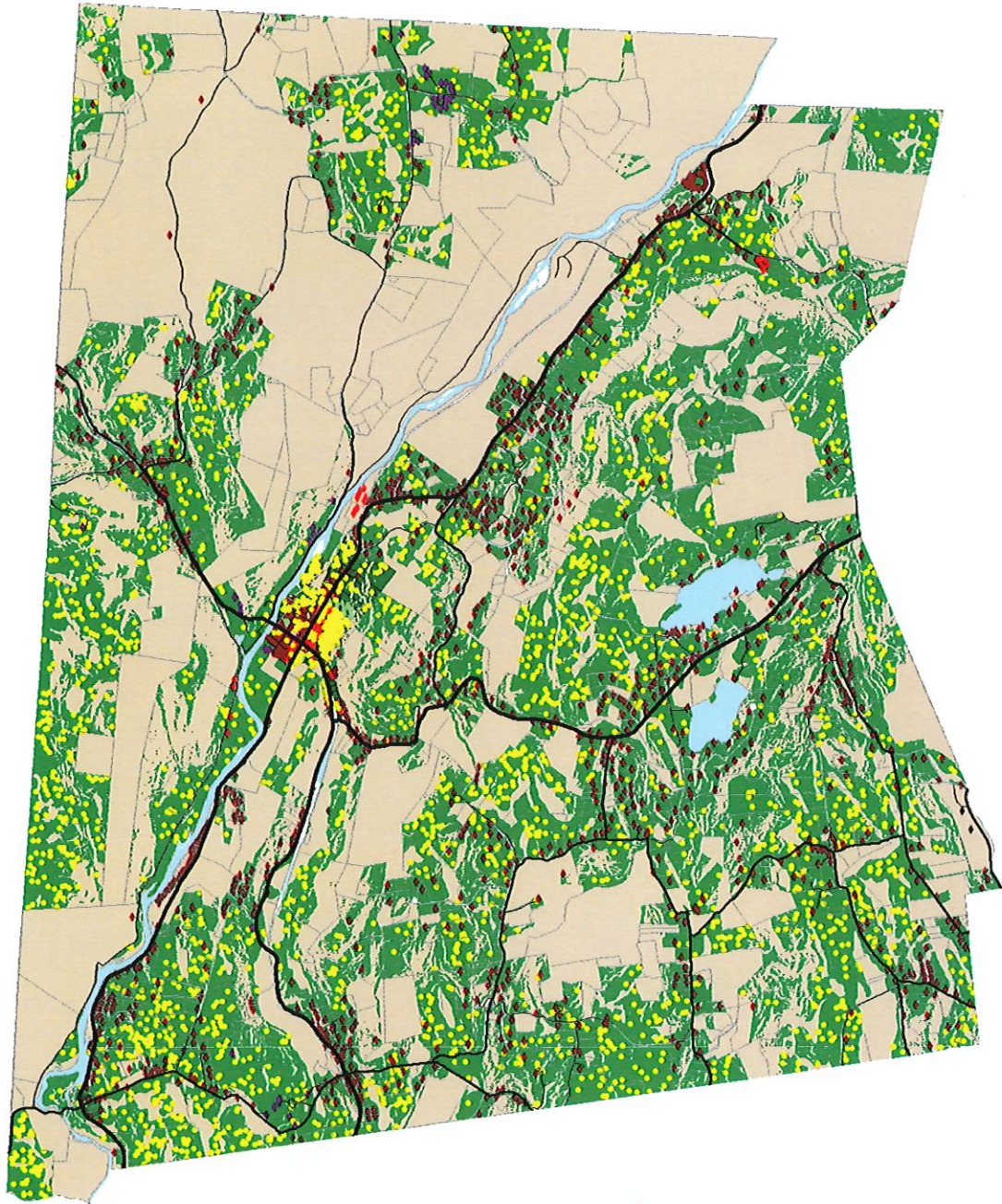
Village Center – The analysis could not account for the complexity and variability of permitted uses including commercial, multi-family housing, accessory apartments, etc.; mixed-use development should be assumed. Rural zoning was applied to parts of parcels outside of the village center-designated area.

Results of Kent's Buildout – Town-wide




Rural Areas – 2357 new buildings (increase of 184% above current 1279 residences)

Village Center – 226 new buildings (increase of 102% above current 221 buildings)

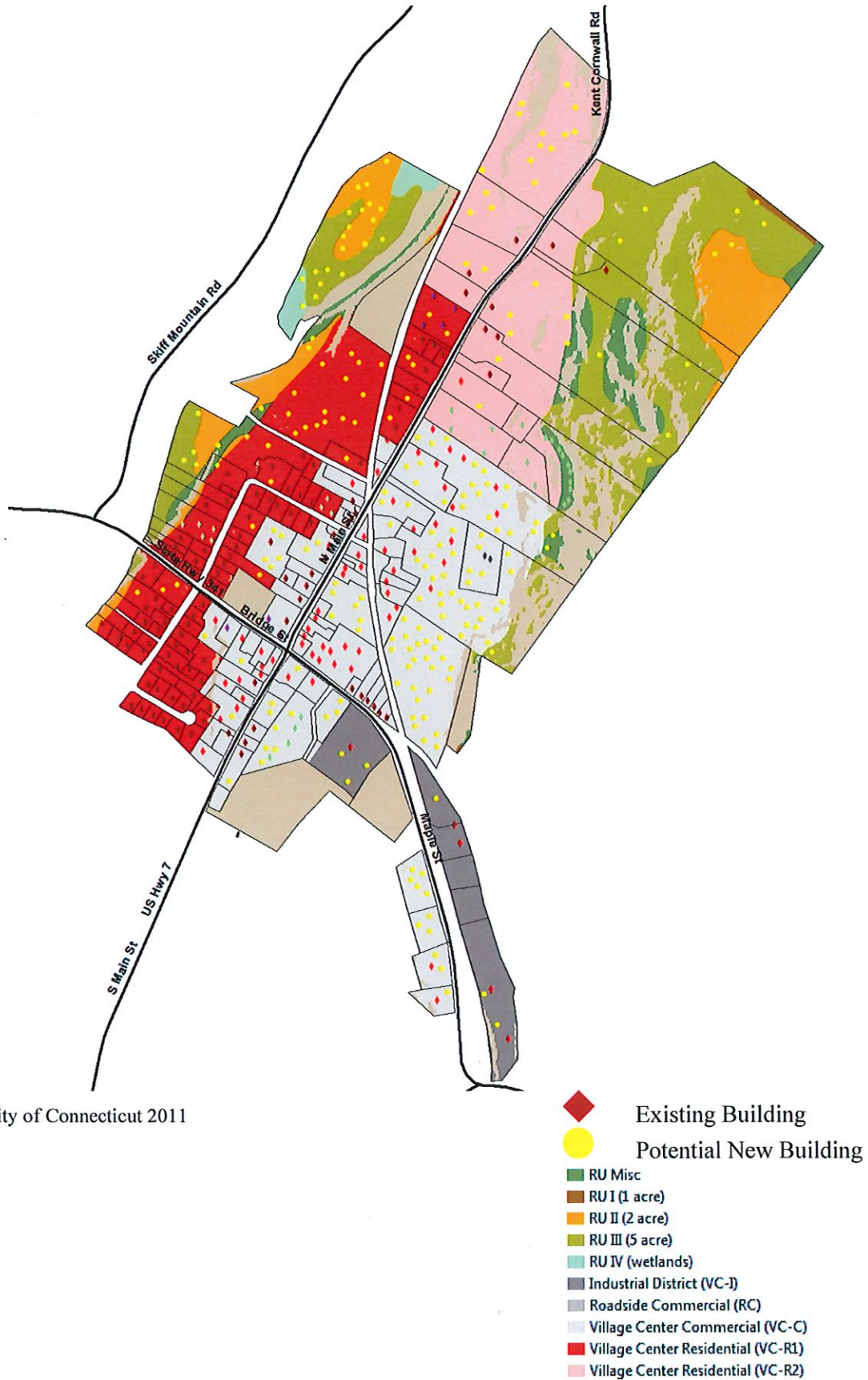
Total: 2583 new buildings (172% increase)



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-  Existing Residence
-  Potential New Residence
-  Excluded as "Unbuildable"

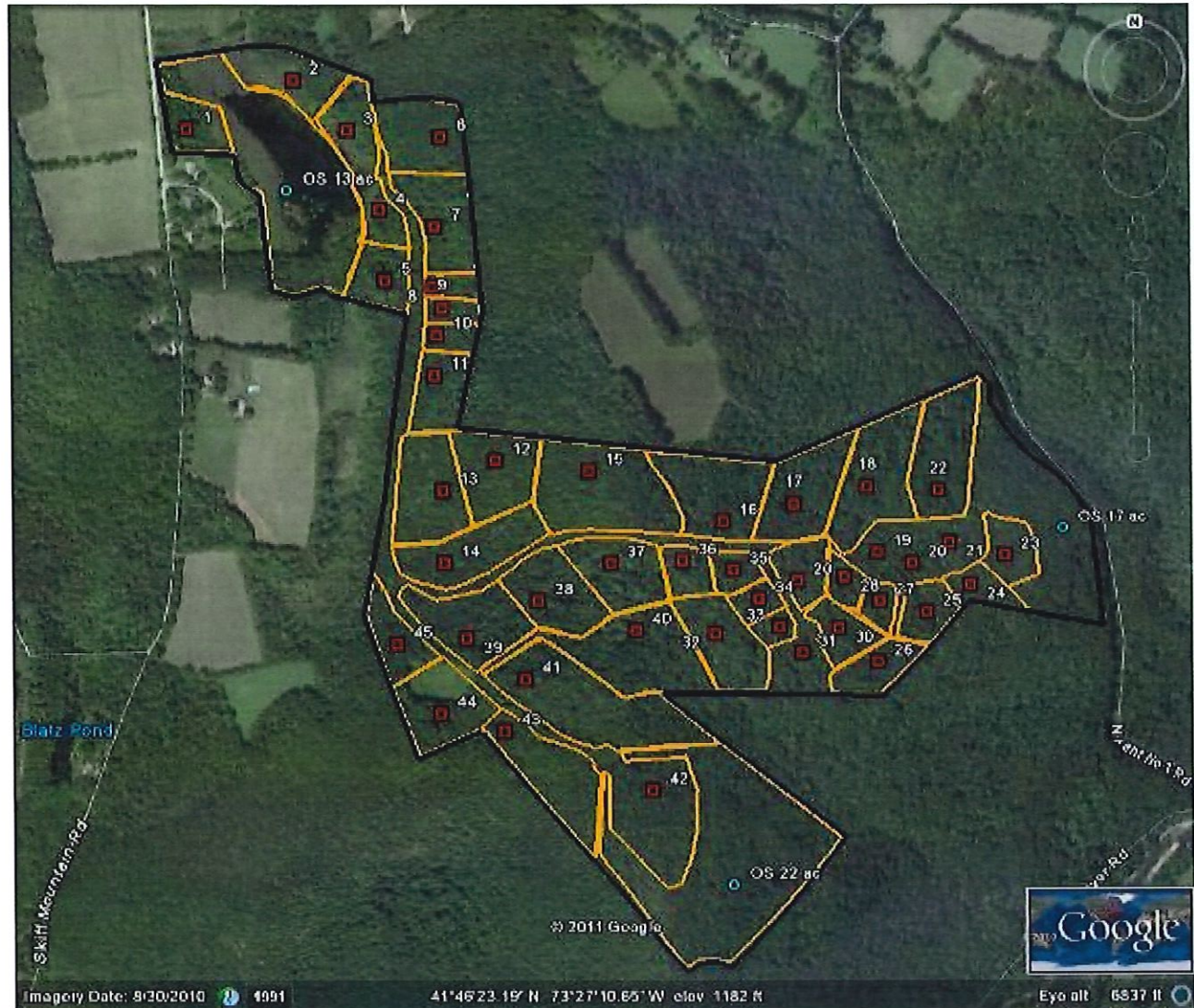
Results of Kent's Buildout – Village Center



© University of Connecticut 2011

A Parcel-Level Example

Many in Kent are familiar with the 250± acre parcel atop Skiff Mountain South protected from development in 2003 through the hard work and partnership of local residents and non-profit organizations. If this parcel wasn't permanently protected (remember that permanently protected land is a constraint and therefore considered non-buildable), the buildout would place buildings, shown as red dots, inside vacant parcels. The graphic below illustrates what the resulting 45 potential building lots might look like. The location of the building within the parcel is non-specific.



*Please note map is not to scale and is a manually prepared visual rendition.

Acknowledgements

Analysis completed by Emily Wilson, Bruce Hyde & Chester Arnold, UConn Center for Land Use Education & Research (CLEAR)

With assistance from Liddy Baker, Dennis DePaul, Laurie Doss, Carol Franken, Connie Manes, Boone Moore, Wendy Murphy & Jos Spelbos, Kent Conservation Commission; John Johnson, Chairperson, Kent Planning and Zoning Commission; and Marvelwood School students

REPORT TO THE BOARD OF SELECTMEN

LAND ACQUISITION ADVISORY
COMMITTEE

MARCH 2012

BOS REPORT LAND ACQUISITION DRAFT Mar 6 2012

This third iteration of the land Acquisition Advisory Committee was created by the Board of Selectmen at its regular meeting on October 4, 2011. Richard Lindsey, Jim Perkins and Dennis De Paul were appointed to the committee to examine the Town's needs for land in the interests of Municipal use, recreation and conservation purposes and to advise the board regarding methods of funding such land acquisition.

The Committee met on eleven occasions starting in November 2011 through March 2012. Jim Perkins resigned from the committee on February 21, 2012 citing a possible conflict of interest.

The Committee arrived at several conclusions and makes the following recommendations to the Board of Selectmen.

The committee finds that the reasons for establishing a Land Acquisition Fund and a Standing Committee to make recommendations to the Board of Selectmen and the Town for expenditures from that fund described in the Report to the Selectmen of October 2007 are as valid and salient as when that first report was presented. Members of the BOS have been delivered copies of the 2007 report and we do not replicate it here.

Several developments that have occurred since 2007 reinforce the case for the establishment of a Land Acquisition Fund.

1. Recommendations of the 2009 Natural and Cultural Resources Inventory published by the Kent Conservation Commission:

“Establish a Municipal Land Acquisition Fund as recommended by the (2007) Land Acquisition Exploratory Committee.”

2. 2011 Buildout Analysis indicating the potential for residential and commercial development in Kent
3. A community survey conducted by the Planning and Zoning Commission in preparation of the Plan for Conservation and Development January 2011 indicates strong public support for such a fund, and a willingness to pay for it.
4. The draft 2012 Plan of Conservation and Development recommends the establishment of a Land Acquisition Fund.

As with each prior committee, we concluded that identifying specific parcels publically would be presumptuous and counterproductive. We have accepted the list of proposed uses

compiled by the previous committee as ample demonstration of the types of land and uses that could be candidates for acquisition.

Conservation	Recreational	Town Services
Important agricultural land & soil	Athletic fields/buildings/structures	Affordable housing - own/rent
Aquifiers	Nature center	Agricultural center
Flood control properties	Swimming pool - indoor/outdoor	Amphitheater
Greenways	Walking/biking/horseback paths	Communication infrastructure
Links/expansion of protected spaces	Waterside parks & beaches	Cultural events site
Migratory channels	Skateboard park	Emergency early response sites
Pasture land	Boat launch	Energy generation sites
River corridors	Outdoor ice skating area	Keystone development sites
Scenic & Historic Sites:		Meeting space
Archeological sites		Memorial sites
Historic/culturally important sites		Parking
Ridgeline easements		Police station & garage site
Scenic roads		Primary school site
Scenic viewshed		Restrooms
Town Character Areas		Roadside land of major accessways
Sensitive Ecosystems:		Satellite firehouse sites
Calcareous ecosystems		Sewer
Cold water streams and springs		Site remediation
Early successional habitats		Town green
Shores of river, lakes and ponds		Transportation sites
Vernal pools		
Wetlands		
Wildlife & nesting habitats		
Unfragmented forests		
Watersheds		
Waterway buffers		

Here is the enabling legislation used by many towns that have established such funds.

Sec. 7-131r. Land acquisition fund. Any municipality, by vote of its legislative body, may establish a special fund, which shall be known as the land acquisition fund. There shall be deposited in said fund, annually, an amount, not to exceed the amount which would be generated by the imposition of a tax of two mills against the property subject to tax in such municipality pursuant to chapter 203, as may be appropriated by the municipality. Such fund shall be used by the municipality for the acquisition of land to be used for open space, recreation or housing. Such fund shall not lapse at the close of the municipal fiscal year.

Here is an example of an ordinance establishing a Land Acquisition Advisory Committee.

DRAFT ORDINANCE ESTABLISHING OPERATING GUIDELINES FOR THE KENT OPEN SPACE AND
LAND ACQUISITION FUND

Section I : Purpose

Whereas , pursuant to the provisions of CGS 7-131(r), the Town Of Kent now creates a special fund for the acquisition of land or easements thereon for the protection of open space, agriculture, recreation, and other municipal uses. The fund shall be known as the Kent Land Acquisition Fund. Income for the fund shall derive from a tax levy of $\frac{1}{4}$ of one mil (one quarter of one mil) on property subject to such tax within the Town. Additionally, any revenue deriving from penalties on premature withdrawal from the 490 program, and any fees from payments in lieu of property set asides in subdivision applications shall be placed in the fund. The fund may additionally accept private contributions, bequests and funds generated from the issuance of bonds should the voters so decide. The Fund shall not lapse at the end of the municipal fiscal year. All income and gains derived from the assets of the fund shall be placed into the fund

Section II: Land Acquisition Fund Advisory Board

1. The Land Acquisition Fund Advisory Board shall consist of seven members:

One representative from and appointed by the Planning & Zoning Commission, Inland Wetlands and Watercourses Commission, Conservation Commission, and Park & Recreation Commission;

One representative from a nonprofit land trust organization, appointed by the Board of Selectmen; and

Two representatives from the Kent electors, appointed by the Board of Selectmen.

The terms of the public members shall be three (3) years after which the public member reappointed for subsequent terms.

The terms of individual representatives of these commissions and boards shall identical to their elected or appointed term of office.

2. The officers of the Land Acquisition Fund Advisory Board shall be elected annually by the membership and shall comprise a Chairman, Vice Chairman, and Secretary who shall be responsible for writing and filing minutes of meetings.
3. The Land Acquisition Fund Advisory Board shall establish By Laws to guide its operations.

Section III : Expenditures from Fund

Expenditures shall be made from the Land Acquisition Fund only in accordance with the following procedures and requirements:

A. Acquisition:

1. Expenditures shall be made for the appraisal, acquisition, maintenance, and preservation costs relating to parcels of land or easements, interests or rights therein, the use of which shall be limited to protection of natural resources or for recreational, agricultural or municipal purposes.

2. Recommendations for the appropriation for acquisition of any parcel and/or easement, right, or interest therein, including the sum to be expended, shall be approved by a vote of the Kent Land Acquisition Fund Advisory Board.

3. Following approval by the Kent Land Acquisition Fund Advisory Board a request of monies for acquisition shall be forwarded to the Board of Selectmen for approval.

4. Following the approval of such recommendation by the Board of Selectmen for the appropriation of funds, the Board of Selectmen shall present it for vote at a duly-warned and noticed Annual or Special Town Meeting.

B. Identification of Potential Acquisitions:

1. Upon recommendation of the Land Acquisition Fund Advisory Board, the Board of Selectmen shall have the authority to spend up to \$6,500 per potential acquisition for expenses incurred in investigation as to the suitability of land for acquisition, purchase of easements or other rights and costs associated with acquiring or securing an option to acquire such land, interest or right.

2. Expenses that may be paid out of the Fund include payment for the services of real estate appraisers, soil scientists, attorneys, surveyors, environmental planners, consultants,

Assessment	Current tax bill	¼ Mil Increase in tax	Tax bill with increase
\$ 350,000.00	\$ 4,994.50	\$ 87.50	\$ 5,082.00

RECEIVED*By Darlene Brady at 9:31 am, Jan 31, 2023***2022 Tax Abatement (2023 Department Approved Revised SOP 1-7.1 & .2)**

For the tax year following the calendar year of 2022, the following members of the Kent Volunteer Fire Department are eligible for Tax Abatement from the Town of Kent.

Points 2022

First Name	Last Name	Address	City	State/Zip	Pts. or Yrs	Abatement Amount
Dean	Ackerman	67 Cornwall Rd	Warren	CT 06754	20+ years	\$1,000
Robert	Bauer	278 Kent-Cornwa	Kent	CT 06757	20+ years	\$1,000
Pete	Bernard	36 Kent-Cornwal	Kent	CT 06757	126	\$2,000
Joseph	Bisenius	19 Highland Heig	Kent	CT 06757	20+ years	\$1,000
Anne	Bisenius	19 Highland Heig	Kent	CT 06757	20+ years	\$1,000
William	Blank	349 Kent Road	Kent	CT 06757	20+ years	\$1,000
Rodney	Chase	43-C Bridge St	Kent	CT 06757	20+ years	\$1,000
John	Christen	PO Box 971	Kent	CT 06757	181	\$2,000
Leslie	Connery	384 Skiff Mtn Rd	Kent	CT 06757	20+ years	\$1,000
Rufus	deRham	16 Cobble Rd	Kent	CT 06757	20+ years	\$1,000
Lou	Dingee	18 Heather Ct.	New Milford	CT 06776	60	\$2,000
Sean	Dingee	77 Fuller Mounta	Kent	CT 06757	155	\$2,000
Bonnie	Donzella	133 Geer Mtn Rc	South Kent	CT 06785	335	\$2,000
Jordan	Donzella	133 Geer Mtn Rc	South Kent	CT 06785	162	\$2,000
Eric	Epstein	PO Box 214	Kent	CT 06757	156	\$2,000
Alan	Gawel	35 Studio Hill Rd	Kent	CT 06757	338	\$2,000
Joseph	Gawel	42-A Studio Hill F	Kent	CT 06757	20+ years	\$1,000
Mary	Gawel	PO Box 31	Kent	CT 06757	20+ years	\$1,000
William	Gawel	208 Kent-Cornwa	Kent	CT 06757	20+ years	\$1,000
Sherman	Green	PO Box 763	Kent	CT 06757	66	\$2,000
John	Haskell	20 Carter Rd	Kent	CT 06757	20+ years	\$1,000
Gary	Hock	126 Spooner Hill	South Kent	CT 06785	247	\$2,000
John	Howland	21 Elizabeth St	Kent	CT 06757	20+ years	\$1,000
Daniel	Kabasakalian	7 Meadow St	Kent	CT 06757	60	\$2,000
Robert	Kennedy	16 Swifts Lane	Kent	CT 06757	20+ years	\$1,000
Robert	Lamb				20+ years	\$1,000
Alex	Limbos	39 Kent Rd	Kent	CT 06757	60	\$2,000
Timothy	Limbos	5 Kenico Rd	South Kent	CT 06785	70	\$2,000
Edward	Matson III	63 Segar Mtn Rd	Kent	CT 06757	128	\$2,000
Cathe	Mazza	PO Box 2006	Kent	CT 06757	20+ years	\$1,000
Frank	McCann	32 Botsford Rd	Kent	CT 06757	20+ years	\$1,000
Kathy	McCann	PO Box 772	Kent	CT 06757	20+ years	\$1,000
William	McCann	11 Botsford Rd	Kent	CT 06757	20+ years	\$1,000
Roger	Peet				20+ years	\$1,000
Gwen	Price	12 Upper Kent H	Kent	CT 06757	20+ years	\$1,000
Caralee	Rochovansky	PO Box 766	Kent	CT 06757	20+ years	\$1,000
Arthur	Romano	433 Kent-Cornwa	Kent	CT 06757	20+ years	\$1,000
James	Rundall	PO Box 592	Kent	CT 06757	20+ years	\$1,000
John	Russell	163A Macdedoni	Kent	CT 06757	379	\$2,000
Jill	Scholsohn	279 B Kent Rd	Kent	CT 06757	215	\$2,000

James	Shaw	32 Birch Drive	Warren	CT 06754	62	\$2,000
Timmothy	Sneller	40 Halls Lane	Kent	CT 06757	20+ years	\$1,000
Daniel	Soule	23 Fuller Mtn Rd	Kent	CT 06757	20+ years	\$1,000
Dwight	Soule	PO Box 63	Kent	CT 06757	20+ years	\$1,000
Wendell	Soule	PO Box 252	Kent	CT 06757	301	\$2,000
Jean	Speck	196 Kent-Cornwa	Kent	CT 06757	129	\$2,000
Ane	Starr	12 Good Hill Esta	Kent	CT 06757	20+ years	\$1,000
Mathew	Starr	12 Good Hill Esta	Kent	CT 06757	219	\$2,000
Shelley	Stedman				20+ years	\$1,000
Alexis	Swagemaker	39 West Woods	Sharon	CT 06069	106	\$2,000
MaryAnn	VanValkenburg	140 Kent-Cornwa	Kent	CT 06757	232	\$2,000
John	Worthington	PO Box 176	Kent	CT 06757	20+ years	\$1,000
Lynn	Worthington	PO Box 176	Kent	CT 06757	20+ years	\$1,000

RECEIVED*By Darlene Brady at 9:30 am, Jan 31, 2023***2022 Tax Abatement (per current town ordinance)**

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