



RECEIVED

By Darlene Brady at 9:09 am, Mar 03, 2023

Kent Conservation Commission
Wednesday, March 8, 2023 @7:00pm
Kent Town Hall
Revised Agenda

Hybrid Link: <https://us02web.zoom.us/j/84931045618?pwd=QUhtcUYyRUJCRlDoODFRK1FDSVVZdz09>

Call to order

1. Accept/Amend Agenda
2. Accept/Amend Minutes Feb 8, 2023
3. Treasurer's Report
4. Public comment
5. Old Business

Discussion items

- A. Kent Municipal Open Space Acquisition
- B. POCD Chapter Reviews
 - i. Update: need for trees along village streets
- C. Sustainable Materials Management in Kent
 - i. Unit based pricing & composting
- D. Housatonic Herbicide Working Group
- E. Right to Farm Ordinance

Updates (as needed):

- F. Green Energy Task Force
- G. Sustainable CT

6. New Business

A.

April Events. Reference dates: April 5th Thurs first night of Passover,
April 7-14 KCS Spring Break, April 9 Easter April 19 KCC Mtg. (3rd not 2nd Wed.)
April 22 Saturday Earth Day, April 28 Arbor Day

- i. Litter Clean-up
- ii. Library Program
- iii. KCS Arbor Day Celebration

B. Legislative Watch list:

[SB 73 Requiring Local Representation on Siting Council](#)

[SB 896 DEEP and Tree Removal in State Parks](#)

SB 962 The Use of Certain Rodenticides

SB 963 Neonicotinoids for Non-Agricultural Use

[HB 5278 - Increasing List of Invasive Plants Prohibited from Sale in CT](#)

HB 5400 The Preservation of Stone Walls in the State

HB 5608 Certain Photovoltaic Facilities on Prime Farmland, Farmland of State-wide Importance or Core Forests

HB 6397 Zero Carbon Emissions

[HB 6481 Prohibiting Release of Certain Balloons](#)

[HB 6482 Raising the Bonding Limit to 25K for Greenways Bikeways and Rec Trails](#)

[HB 6483 Enabling Bonding for State Open Space \(OSWA\) - 10M](#)

[HB 6485 Authorizing Green Burial Companies to Receive Open Space Funds](#)

[HB 6486 EPR for Tires](#)

HB 6606 The Use of Certain Products Made From Polystyrene

HB 6607 Nighttime Lighting of State-Owned Buildings at Certain Times for the Protection of Birds.

HB 6608 The Distribution of Single Use Plastic Straws by Certain Restaurants

HB 6610 "No Net Loss" of State Forest Lands

6. Correspondence
7. Adjourn

February 11, 2023

Dear Board of Selectmen,

Before we get to the nature of our complaint, we would like to say that we are strong supporters of agriculture in Kent, and we respect the Right to Farm Ordinance. My grandfather and three of his brothers were area dairy farmers. As a child I spent and enjoyed time helping my grandfather on the farm. In the 1980s, I worked many years during the summer and on school vacations on the Newton Farm on Bulls Bridge Road in Kent. I milked cows and did many chores associated with farming while working for Bill Newton. My time on the Newton Farm helped me to become the person I am today. I look back fondly on my time working on farms.

We live at 113 Upper Kent Hollow Road, and the basis for our complaint is the land next to our home, 5 Hollow 5, LLC. When we bought our land nineteen years ago, where we built our house, the land to the south of us was a farmed field. Over time the land has transformed into an eyesore that is littered with various containers, portable buildings, a boat and junk. A second driveway and a staging area are still being built, which were started years ago. Countless dump truck loads of fill have been dumped to build the second driveway and staging area. The driveway is still not finished. We don't understand the purpose for the second driveway, as the primary driveway is functional. Mr. Kalstrom frequently uses his excavator during the day and into the evening when our family eats dinner on our deck. The noise created by the excavator impacts our ability to enjoy our property. An excavator is a piece of construction equipment not a piece of farm equipment. There seems to be no reason, plan, agricultural purpose or finishing date for the ongoing chaos. We feel that we are living next to a junkyard and perpetual construction site.

We do not see any agricultural purpose for the clutter, use of the excavator or the second driveway. There simply is very little, if any, farming activity going on there. There are no animals, crops or any agricultural activities being performed on the property.

Mr. Kallstrom did allow us to purchase, plant and maintain 19 giant arborvitae on his land at our own expense. These trees will someday screen some of the mess. We appreciate that Mr. Kalstrom allowed us to plant the trees in the fall of 2021. In early June of 2022, we asked him to clean the land and offered to help, which he did not accept. We also asked him to curb the use of the excavator which he ignored. After we tried to work it out with Brent, the situation has not improved. If anything, it has gotten worse.

We feel that we are fair people who have tried to come up with a reasonable resolution with Mr. Kalstrom. We don't want to inhibit his ability to make a living through farming. We just want him to show some consideration. We feel that Mr. Kallstrom's activities on the property adjacent to ours are clearly nuisances, have nothing to do with farming, have a negative impact on our property value and impede our ability to enjoy our home. We would appreciate it if you

would look into the compliance with the right to farm ordinance and zoning, the use of an excavator for nonfarm activities and the nuances it creates, and the accumulation of junk at 5 Hollow 5, LLC.

Please call us at 860-927-3252 to discuss further and to determine a plan to move forward. We have included some attachments that may help to shed some light on the situation.

Thank you,



William and Melissa Braislin
113 Upper Kent Hollow Road
Kent, CT 06757
mguisti@hotmail.com

RECEIVED
FEB 16 2023
BY:.....



Secretary of the State of Connecticut Annual Report

Residence Address: 144 UPPER KENT HOLLOW No Update
RD,
KENT, CT,
06757,
United States

ACKNOWLEDGEMENT

I hereby certify and state under penalties of false statement that all the information set forth on this document is true.

I hereby electronically sign this document on behalf of:

Name of Authorizer: BRENT KALLSTROM
Authorizer Title: MEMBER

Filer Name: Carol Kallstrom
Filer Signature: Carol Kallstrom
Execution Date: 12/20/2022

This signature has been executed electronically

Summary

Account Number 00210000
 Parcel ID 1757
 Property Address UPPER KENT HOLLOW RD
 Use Class/Description 715 Pasture
 Map/Block/Lot/Unit 16/26/25/
 NBHD Code 6A
 Acres 30
 Utilities
 Is Homesteaded False

[View Map](#)

Owner

5 HOLLOW 5 LLC
 C/O BRENT KALLSTROM
 KENT, CT 06757

Current Appraised Value

Assessed Year	2020	2019	2018
Appraised Building Value	\$0.00	\$0.00	\$0.00
Appraised XF/OB Value	\$45,000.00	\$45,000.00	\$45,000.00
Appraised Land Value	\$423,900.00	\$423,900.00	\$423,900.00
Appraised Total Value	\$468,900.00	\$468,900.00	\$468,900.00
Assessed Building Value	\$0.00	\$0.00	\$0.00
Assessed XF/OB Value	\$31,500.00	\$31,500.00	\$31,500.00
Assessed Land Value	\$7,100.00	\$7,100.00	\$7,100.00
Assessed Total Value	\$38,600.00	\$38,600.00	\$38,600.00

Assessment History

Assessed Year	2020	2019	2018
Appraised Building Value	\$0.00	\$0.00	\$0.00
Appraised XF/OB Value	\$45,000.00	\$45,000.00	\$45,000.00
Appraised Land Value	\$423,900.00	\$423,900.00	\$423,900.00
Appraised Total Value	\$468,900.00	\$468,900.00	\$468,900.00
Assessed Building Value	\$0.00	\$0.00	\$0.00
Assessed XF/OB Value	\$31,500.00	\$31,500.00	\$31,500.00
Assessed Land Value	\$7,100.00	\$7,100.00	\$7,100.00
Assessed Total Value	\$38,600.00	\$38,600.00	\$38,600.00

Land

Building Number 1	Land Units 17 AC
Land Use 715 - Pasture	Value 197,500
Building Number 1	Land Units 11 AC
Land Use 712 - Farm Till C	Value 127,800
Building Number 1	Land Units 2 AC
Land Use 715 - Pasture	Value 98,600

Building Information

Building # 1	Fireplaces			
Style Outbuildings	Roof Cover			
Occupancy 0	Roof Structure			
Actual Year Built 0	Floor Type			
Effective Year Built 0	Heat Type			
Living Area 0	Fuel Type			
Stories	AC			
Grade	Bdrms/Full Bth/Hlf Bth/Ttl Rm			
Condition P	Basement Finished Area			
Exterior Wall	Basement Sq. Ft.			
Interior Wall				
Code	Description	Living Area	Gross Area	Effective Area

Out Buildings\Extra Features

Description POLE BARN
Sub Description
Area 6000 S.F.

Year Built 2018
Value \$45,000

Sales History

Sales Date	Instrument Type	Grantor	Grantee	Book/Page
10/7/2009	Multiple Parcel Sale	KALLSTROM STEVEN LEE	5 HOLLOW 5 LLC	0166-0327
6/30/2006	Sales of No Consideration	KALLSTROM LAWRENCE R ET AL	KALLSTROM STEVEN LEE	0156-0784
5/13/2002			KALLSTROM LAWRENCE R ET AL % PETER A LITWIN P C	0131-0270

Recent Sales In Area

Sale date range:

From:

02/11/2013

To:

02/11/2023

Sales by Neighborhood

1500

Feet



Sales by Distance

No data available for the following modules: Sketch.

The team at Kent Associates makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the best certified sources. All other data is subject to change.

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[Last Data Upload: 2/11/2023, 3:08:33AM](#)

Version 2.0.214

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 Schneider
GEOSPATIAL



State of Connecticut

Lookup Detail View

Name and Address

Name	DBA	Address
BRENT KALLSTROM		144 UPPER KENT HOLLOW RD KENT, CT 06757-1812

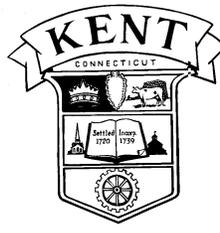
Registration Information

Registration #	Registration Type	First Issuance Date On Record	Effective Date	Expiration Date	Status
HIC.0630382	HOME IMPROVEMENT CONTRACTOR	04/05/2011	12/01/2021	03/31/2023	ACTIVE

Complaints

Notes
No complaints on record

Generated on: 2/8/2023 7:52:03 AM



TOWN OF KENT LAND USE OFFICE

TO: Jean C. Speck, First Selectman
FROM: Tai Kern, Land Use Administrator
DATE: February 17, 2023
RE: Complaint – 5 Hollow 5, LLC - 0 Upper Kent Hollow Rd.

On February 17, 2023, I viewed the site at 0 Upper Kent Hollow Road Map 16, Block 26, Lot 25 in response to a complaint received by the Board of Selectmen from William and Melissa Braislin of 113 Upper Kent Hollow Road in a letter dated February 11, 2023. The site was viewed from the Braislin's property and the attached photos were taken.

In the Braislins' letter it is questioned whether this property qualifies as a farm. Both the local assessor and NRCS through USDA have acknowledged this property as a farm. Additionally, it is my understanding that this property has a long standing history of being known as a farm. There is no zoning related authority to challenge this designation. Therefore, many of the nuisance related complaints stated in the February 11th letter should be addressed under Kent's Right to Farm Ordinance as they appear to be in conjunction with farm related activities. The Right to Farm Ordinance states under Section 5-2.4 *"In the event a dispute arises between an agricultural operator and a resident in the Town of Kent as to whether a particular agricultural operation constitutes a nuisance, either interested party may submit a written request to the Selectmen for an advisory opinion or to mediate the dispute."* I believe this is what the Braislins are requesting in this letter.

During my site inspection from the Braislins' abutting lot, I viewed the property for zoning related violations. Most of the materials described as junk that I observed appear to adhere to the zoning setback and can be considered farm related. However, the two temporary storage containers can be considered a zoning violations.

A zoning permit was issued for the construction of the driveway discussed in the February 11th letter. A certificate of zoning compliance has not yet been issued for that project and will not be until an apron is installed. I viewed both the existing and new driveways from the public roadway. They seem to be in comparable condition and I do not see any concerns. Additionally, I have reviewed the location of the wetlands on the property and all activity appears to be outside the regulated area.



41 Kent Green Boulevard, P.O. Box 678 • Kent, CT 06757-0678
Phone: (860) 927-4625 • www.townofkentct.org
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Chapter []. RIGHT TO FARM

Purpose and Intent.

Agriculture is a significant part of the Town of Kent's heritage, its rural character, and may constitute a vital part of the Town's future. It is therefore the declared policy of the Town of Kent and legislative determination of the legislative body of Kent to conserve and protect agricultural land and to encourage agricultural operations and the sale of farm products within the Town. It is the purpose and intent of this ordinance to promote and advance the Town's policy and reduce the loss of agricultural resources by limiting circumstances under which any such operation may be considered a nuisance. It is hereby further legislatively determined that whatever impact may be caused to others through normal agricultural practices, such impact is offset and ameliorated by the benefits of farming to the neighborhood, community, and society in general. Methods of farming that comport with generally accepted farming practices are also deemed to comport with community standards at large. This ordinance is not to be construed as modifying or abridging state law relative to the abatement of nuisances, but is to be used in the interpretation and characterization of activities and in considering and implementing enforcement of the provisions of the Ordinances of the Town of Kent and other applicable Town regulations, consistent with the provisions of Connecticut General Statutes § 19a-341. Additionally, the terms of this ordinance may be used in determining whether the methods and practices that may come under review conform to community standards.

Declaration.

No present or future agricultural operations conducted or maintained in a manner consistent with accepted customs and standards of the agricultural industry, on a recognized farm which is engaged in the act of farming as defined in this ordinance, shall become or be considered a nuisance solely because such activity resulted or results in any changed condition of the use of adjacent land. Agricultural operations may occur on holidays, weekends and weekdays by night or day, provided such activities do not violate applicable health, safety, fire, life safety or building codes and regulations. It is herein understood that such practices may include without limitation:

1. The incidental noise from livestock or farm equipment;
2. Odors from livestock, manure, fertilizer, compost, agricultural end-products, or feed;
3. Dust and fumes created during plowing or cultivation operations;
4. The use of agricultural chemicals, pesticides and fertilizers including manure, provided such chemicals and the method of their application conform to practices approved by the Commissioner of the Department of Energy and Environmental Protection, or, where applicable, Commissioner of Health Services; and
5. Irrigation and water management associated with normally accepted farming practices.

These provisions shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation.

Definitions.

“Agriculture” means cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale.

“Agricultural Operations” means activities relating to agricultural use including, but not limited to, the cultivation and tillage of soil, the burning, processing, or composting of agricultural waste products or other agricultural burning, processing or composting, provided that such composting activity shall not be the sole or primary agricultural operation, protection of crops and livestock from insects, diseases, birds, predators or other pests from damaging or potentially damaging crops, the proper and lawful use of agricultural chemicals including but not limited to the application of pesticides and fertilizers, or the raising, production, irrigation, pruning, harvesting, or processing of an agricultural commodity, including any type of crop or livestock, and any forestry improvements and timber harvesting and processing. Such operations also include the operation and transportation of farm equipment over roads within the Town and conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided the activities are related to marketing the agricultural output or services of the farm and produce and livestock products and provided same do not conflict with any provisions of the zoning regulations. For purposes of this ordinance, such operations do not include the slaughtering of animals not raised on the premises where they are to be slaughtered.

“Farm” means land used primarily for agricultural activities including:

- agriculture, nurseries, orchards, ranges, forestry, nursery or truck gardening, or for raising or keeping of livestock and fowl but excluding the raising of animals for laboratory use or for their fur,
- farm buildings and accessory buildings thereto including barns, silos, greenhouses, hoop-houses and other temporary structures or other structures, and
- as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities.

Dispute Resolution and Advisory Opinions.

An interested person may submit a written request to the First Selectman’s office for an opinion as to whether a particular agricultural operation constitutes a nuisance or is an activity that is incidental to normal and customary farming activity and comports with community standards. In the event a dispute arises between an agricultural operator and a resident in the Town of Kent as to whether a particular agricultural operation constitutes a nuisance, either interested party may submit a written request to

the Selectmen for an advisory opinion or to mediate the dispute. The Selectmen may promulgate such regulations and procedures as it deems necessary for the implementation of this section. Nothing herein shall preclude any party from either appealing said advisory determination to the Superior Court for the Judicial District of Litchfield and/or commencing a direct action in said court to abate the claimed nuisance.

Passed: [date]

Published: [date]

Effective: [date]

Right To Farm Ordinance – May 15 2015
Kent Conservation Commission