

TOWN OF KENT INLAND WETLANDS COMMISSION

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REGULAR MEETING MINUTES

The Inland Wetlands Commission held a regular meeting on Monday, June 27, 2022, beginning at 7:00 p.m. via zoom.

1. CALL TO ORDER

Ms. Werner called the meeting to order at 7:02 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES, IF REQUIRED

Commissioners Present: Lynn Werner, Chairman; Ken Deitz (7:05 p.m.), Ken Johnson (7:06 p.m.), Marge Smith, Anthony Palumbo, Paul Yagid

Staff Present: Donna M. Hayes, LUA

Ms. Werner elevated Mr. Palumbo to voting status.

3. READING OF MINUTES OF PREVIOUS MEETINGS

3.A. Regular Meeting Minutes, May 23, 2022.

Ms. Smith moved to approve the Regular Meeting Minutes, May 23, 2022, as presented. Mr. Yagid seconded and the motion carried unanimously.

4. NEW BUSINESS

4.A. Application #1282-22, Carl Raab, 56 South Road, Map 10 Block 40 Lot 46, excavation to create small pond; use existing stone to retain banks and landscaping.

Mr. Carl Raab, property owner, was present to address the Commission. He explained that he has an area in the back of his property that he believes was once a pond that has filled in with silt over the years. When he first bought the property, the area was very overgrown with invasives and fallen down trees. He has cleaned it up over the years and the area now consists of ferns and frogs. Mr. Raab said that he had hired Cynthia Rabinowitz to come and mark the wetland area and was working with both Joseph Whynott, surveyor, and Scott Finucane, excavator, to come up with a way to restore the pond. When asked if there was a stream that fills the area, Mr. Raab responded that there is no stream, but it appears to be ground water. When asked how large the pond would be, Mr. Raab said that he was planning on a pond approximately 30' in diameter which would be enhanced with plantings native to a wetland area.

Ms. Werner said that the biggest question was whether or not Mr. Raab was converting or enhancing the wetland area and felt that a site walk should be conducted in order to determine that. Mr. Raab felt he was doing both and that by re-creating the pond he would be bringing back the wildlife, native plants and enlarging the eco-system.

Mr. Deitz asked if the area was more of a vernal pool. Ms. Smith noted that there was a much larger pond on the neighboring property and asked if that pond drained onto Mr. Raab's property. Mr. Raab replied that he was at a higher elevation. Ms. Werner said that, if it truly was a vernal pool, she would not be in favor of damaging it.

At this point in time Mr. Whynott joined the meeting and explained that he did not add the contours to the map, but instead added the elevations. The Commission all felt that it would be necessary to have the contours added and asked Ms. Hayes to work with Mr. Whynott on finding a way to add those to the site plan that was presented.

Ms. Werner questioned the use of stone to retain the banks and Mr. Raab replied that there was a small stone wall along the north side where the rocks would be put and the natives would be placed along the southern side.

It was decided that Ms. Hayes do a doodle poll to set up a site walk with the Commission, Mr. Raab, Mr. Whynott and Mr. Finucane. Ms. Werner also asked that topography contours be added to the map and suggested that Ms. Hayes work with Mr. Whynott to get that accomplished. Ms. Werner also asked that Mr. Raab provide Ms. Hayes with the report from Ms. Cynthia Rabinowitz for the file.

Mr. Yagid moved to table Application #1282-22, Carl Raab, 56 South Road, Map 10 Block 40 Lot 46, excavation to create small pond; use existing stone to retain banks and landscaping to the next regular meeting. Mr. Palumbo seconded and the motion carried unanimously.

- 4.B.** Application #1283-22, Lisa Turoczi, Earth Tones, LLC, for Katherine Freygang, 45 Richards Road, Map 16 Block 25 Lot 19, install wet meadow and 10' x 15' crushed stone sleeve.

Ms. Lisa Turoczi from Earth Tones was present to address the Commission. She explained that she had been retained by the property owner to create a pollinator garden in an area in between the existing house and South Spectacle Lake. She explained that there currently is a very wet area which is part of a drainage swale on the northern side of the property. This swale takes the water from the left side of the front of the house towards the backyard, across the middle of the backyard to the right and then empties into another area on the southern side of the property which ultimately empties into the Lake. The main idea would be to keep the swale on the left side of the property in working order but to add a 15' x 10' sleeve at the end of the proposed pollinator garden further cleaning any runoff before it is directed into the swale on the right side of the property. This pollinator area would consist of the existing red maples and starter plugs of pollinators. The soil in this area will not be disturbed because they want to protect the roots of the red maples. When asked if this work would make the wet area wetter, Ms. Turoczi stated that it would not since they would not be altering the water course at all. When asked how deep the sleeve would be, Ms. Turoczi replied that it would be 8" to 10" deep and that they would use the excess topsoil to grade around the sleeve. The total area of disturbance would be 15' x 25' and would be a one-day project.

Mr. Deitz asked that the topography, total disturbance and wetland boundaries be added to the map.

Ms. Werner said that since none of the wetlands would be removed and the work would be the enhancement of the wetlands she would be in favor of this work.

Mr. Yagid moved to table Application #1283-22, Lisa Turoczi, Earth Tones, LLC, for Katherine Freygang, 45 Richards Road, Map 16 Block 25 Lot 19, install wet meadow and 10' x 15' crushed stone sleeve to the next regular meeting. Mr. Deitz seconded and the motion carried unanimously.

- 4.C.** Application #1284-22, Wayne Fontaine, Fontaine Construction, for Adam Richichi, 90 Gorham Road, Map 15 Block 22 Lot 4, construction of new single-family dwelling with attached garage, driveway, septic, well and associated site work.

Mr. Wayne Fontaine, builder, and Mr. Adam Richichi, property owner, were present to address the Commission. Mr. Fontaine explained that the proposal was for the construction of a 4-bedroom house with attached garage and

pool house. The driveway will be a gravel driveway, the existing old foundation that is located on the property would need to be removed and a septic and well would be installed. The work that is being proposed is within the regulated area but not in the wetland itself. There will not be a large amount of trees removed based on the instructions by the owner. Mr. Richichi agreed with Mr. Fontaine and confirmed that he had given strict orders to leave as many trees as possible.

Ms. Hayes asked for more information about the pool house which appears to be connected to the house via a breezeway to the garage and questioned the location of the future pool. Mr. Richichi responded that at this point in time, the area will be utilized as his office and there are no plans to put in a pool.

Ms. Werner asked why the foundation was coming down and Mr. Fontaine said it was necessary in order to do the proposed site work.

Distances to the wetland flagged area were discussed and Mr. Fontaine was asked if it would be possible to move the house farther away from the wetland areas on the right side of the property. Based on the location of the septic system, septic reserve area and the well, it was determined that there really wasn't any way to move the house. Ms. Hayes commented that the house had already been moved once at the request of the conservation easement holder.

Ms. Werner asked if the area behind the pool house/office/study was going to be lawn. Mr. Richichi replied that it would not be lawn. Mr. Yagid commented that the area in the rear of the property is heavily wooded. Mr. Fontaine replied that only 10' to 15' from the house would be cleared. Ms. Werner asked if that would be true around the whole building. Mr. Fontaine replied that it would apply to pretty much all of the whole building.

Based on the concerns of how many trees would be cut down, Ms. Werner asked that the applicant return to the Commission with a better indication of the area of disturbance and a better understanding of exactly how many trees were to be cut down.

Ms. Smith moved to table Application #1284-22, Wayne Fontaine, Fontaine Construction, for Adam Richichi, 90 Gorham Road, Map 15 Block 22 Lot 4, construction of new single-family dwelling with attached garage, driveway, septic, well and associated site work to the next regular meeting at which time the applicant return with the lines of disturbance added to the site plan. Mr. Deitz seconded and the motion carried unanimously.

4.D. Establishment of Hiring Sub-Committee for Land Use Administrator Position.

A hiring sub-committee was created with members Lynn Werner and Paul Yagid. Ms. Werner said that she would like to tweak the job description before it gets posted. It was decided that the posting go up on the Town's website the week of July 18th for two weeks and that interviews be tentatively set for the 2nd week of August due to vacation schedules.

Ms. Hayes said that she would report back to the IWC after the P&Z sub-committee was formed.

5. OLD BUSINESS

5.A. Possible Notice of Violation, Stanley Greenbaum, 247 Bulls Bridge Road, Map 6 Block 11 Lot 1, refuse and work done in a regulated area.

Ms. Werner asked Ms. Hayes if Ms. Cynthia Rabinowitz had mapped the wetlands as a result of her visit to the property. Ms. Hayes said that she had not. Ms. Werner asked that Ms. Hayes contact Ms. Rabinowitz to ask her to map it so that there will be no questions/guessing on the locations of the wetlands on the property.

Mr. Greenbaum asked to speak and said that he felt he did not receive all the information he asked for via his FOI request, specifically an email between Ms. Hayes and Ms. Rabinowitz setting up the testing. Ms. Hayes replied

that there was no email; the request was made via phone. With regard to the rest of the information that was requested, all of it was supplied to Mr. Greenbaum.

Mr. Greenbaum stated that, as of 5:00 p.m. this evening, his letter of May 19, 2022 was not added to the minutes of April 25, 2022, which was his understanding. Ms. Hayes replied that you cannot add to minutes that had already been filed and that his letter was attached to the minutes of May 23, 2022. Prior to doing these minutes, Ms. Hayes verified that his letter was attached to the May 23, 2022, minutes.

Mr. Greenbaum then read his letter to Ms. Cynthia Rabinowitz. It is not attached to these minutes since it was not provided to the Land Use Office.

Ms. Werner asked that this be kept on the agenda until the next meeting when, hopefully, the map prepared by Ms. Rabinowitz can be reviewed and a decision can be made about whether or not an after-the-fact permit would be required.

5.B. Testing at Leonard Pond.

Ms. Hayes reported that she had been notified that the testing originally scheduled for June 23rd had been postponed due to a technical error with the testing probe. She will let the Commission know if and when a new date is provided.

6. COMMUNICATIONS TO THE COMMISSION

A. WRITTEN

6.A.1. Monthly Financials – July, 2021 through April, 2022

Information received; no action taken.

B. VERBAL

Ms. Hayes reported that Ms. Clifton had resigned from the Inland Wetlands Commission since she was changing jobs and moving out of Kent. Ms. Hayes said she would post the opening on the Town of Kent Facebook page.

7. ADJOURNMENT

Mr. Yagid moved to adjourn at 8:36 p.m. Mr. Palumbo seconded and the motion carried unanimously.

Respectfully submitted,

Donna M. Hayes

Donna M. Hayes, CZEO
Land Use Administrator