

# TOWN OF KENT INLAND WETLANDS COMMISSION

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## REGULAR MEETING MINUTES

The Inland Wetlands Commission held a regular meeting on Monday, February 28, 2022, at 7:00 p.m. via zoom.

### 1. CALL TO ORDER

Ms. Werner called the meeting to order at 7:03 p.m.

### 2. ROLL CALL AND APPOINTMENT OF ALTERNATES, IF REQUIRED

Commissioners Present: Lynn Werner, Chairman; Hilary Clifton, Ken Deitz, Ken Johnson, Anthony Palumbo, Marge Smith, Paul Yagid

Staff Present: Donna M. Hayes, LUA

### 3. READING OF MINUTES OF PREVIOUS MEETINGS

#### 3.A. Regular Meeting Minutes, January 24, 2022.

*Ms. Smith moved to approve the Regular Meeting Minutes, January 24, 2022, as presented. Mr. Johnson seconded. During discussion it was noted that the word "to" in the 4<sup>th</sup> paragraph of agenda item 3.A. should be changed to "from". Ms. Smith amended her motion to state "as amended" instead of "as presented". Mr. Yagid seconded the amended motion and the motion carried unanimously.*

### 4. NEW BUSINESS

#### 4.A. Renewal of Application #1246-21F, Nick Yanick for Preston Mountain Club, 14 Preston Mountain Road, Map 3 Block 3 Lot 1, heavy thinning of approximately 80 acres and clean-up of storm damaged trees.

Mr. Yanick was present at the meeting and explained that he would like to extend his permit for another year due to equipment mechanical issues and the forester's health problem. He stated that there is only about another month left in the project.

Mr. Johnson asked what the purpose of the project was and Mr. Yanick explained that the project started out as a habitat cut but has now turned into storm damage cleanup.

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*Mr. Johnson moved to approve Renewal of Application #1246-21F, Nick Yanick for Preston Mountain Club, 14 Preston Mountain Road, Map 3 Block 3 Lot 1, heavy thinning of approximately 80 acres and clean-up of storm damaged trees for one year. Ms. Smith seconded and the motion carried unanimously.*

**4.B.** Application #1277-22F, Timothy Casey for Hillside North Main, LLC, 0 North Main Street, Map 10 Block 42 Lots 4 and 5, forestry operation.

Both Mr. Jeff Viola, forester, and Mr. Tim Casey, property owner, were present to address the Commission. It was explained that this was a new application because the original application had expired. In addition, it was decided to change the haul road location by adding a location to the north which will be considered the main haul road.

Mr. Johnson asked for the purpose of this operation. Mr. Viola replied that his company is in the business of producing lumber so the purpose would be the thinning and removal of over mature trees. Doing this would put more light on the forest floor which would enable the saplings to grow.

Ms. Werner asked for clarification about the crossings since she could not see any on the information that was provided. She asked if they would be crossing intermittent watercrosses and Mr. Viola replied that they would. She asked if they ran year-round and the answer was yes, but there are culverts already in place.

Mr. Casey said that most of the work will be done behind Town Hall and the wood would be taken off the property on the northern end of the project site where there is an existing road over an existing culvert. He left the indications of the southern crossings on the submitted map because they were on the original approval.

Mr. Yagid asked if they were taking out any diseased or damaged trees. Mr. Viola replied that they would be taking out a few ash trees.

Ms. Hayes asked if they would be doing work on all of the areas indicated or if this was a completely new plan. Mr. Casey said that he left those boxes on the map since they were part of the original application. A discussion was held with regard to whether or not they should be removed and Mr. Viola asked that all the locations remain as indicated on the new map.

Ms. Werner said that she would like to visit the site as did the other Commissioners. Mr. Viola said that he was hoping to start this winter since it is better to cut the maples and ash in the cooler months of the year to prevent staining of the wood.

It was decided that Ms. Hayes do a Doodle Poll to find a date that is convenient for all.

*Mr. Yagid moved to continue Application #1277-22F, Timothy Casey for Hillside North Main, LLC, 0 North Main Street, Map 10 Block 42 Lots 4 and 5, forestry operation to the next regular meeting. Mr. Johnson seconded and the motion carried unanimously.*

Alternate Clifton left the meeting at this point in time.

- 4.C.** Application #1278-22F, Jamie Lintner for Kent School Corporation, Macedonia Road, Map 2 Block 5 Lot 8, forestry operation.

Mr. Lintner was before the Commission for the Kent School Corporation. He explained that he had no idea the permit was only good for one year and was just notified of that by Mr. Casey. He said that it had taken him almost two years to get approval from the State who is an adjoining property owner and he got his road encroachment permit from the DOT in December of 2021. Mr. Lintner explained that he will not be working near the vernal pool based on the approval given by the State. In addition, he will not be working within 75' of the western setbacks as agreed with the State.

Ms. Werner asked about water bars and erosion controls. Mr. Lintner said that he would be putting them in when the weather changed as that is standard operating procedure.

Both Mr. Yagid and Ms. Smith thought the application was very straight forward and it was decided that since this did not involve any wetlands, they could give approval for the operation at this meeting.

*Mr. Yagid moved to approve Application #1278-22F, Jamie Lintner for Kent School Corporation, Macedonia Road, Map 2 Block 5 Lot 8, forestry operation to the next regular meeting. Ms. Smith seconded and the motion carried unanimously.*

- 4.D.** Application #1279-22, John & Gerri Gleason, 12 Halls Lane, Map 9 Block 22 Lot 43, construction of inground pool, pool equipment, fencing, landscaping, and associated site work.

Ms. Hayes explained that Mr. & Mrs. Gleason are planning on installing an inground pool, equipment for the pool and the associated site work within 200' of the pond located on the property.

Mr. Johnson said that he has no problem with the pool but is always concerned about the backwash from the pool. Mr. Gleason explained that all of the pool equipment would be located on the southern side of the house and he did not think it would be able to impact the pond.

Mr. Yagid asked what would happen to the excavated material. Mr. Gleason replied that it would be used immediately as the base for the landscaping and not stockpiled on the property for future use.

*Ms. Smith moved to continue Application #1279-22, John & Gerri Gleason, 12 Halls Lane, Map 9 Block 22 Lot 43, construction of inground pool, pool equipment, fencing, landscaping, and associated site work to the next regular meeting. Mr. Johnson seconded and the motion carried unanimously.*

## **5. OLD BUSINESS**

- 5.A.** Application #1274-22, Dan Greenbaum, 30 Kenmont Road, Map 16 Block 22 Lot 3, burying two 1,500 plastic septic tanks; crushing and filling existing 2 cesspools.

Ms. Werner began the discussion by accepting an email from Mr. Greenbaum regarding the pumping of the storage tanks. When asked how often the tanks would be pumped, Mr. Greenbaum said that he was not sure what the usage would be.

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Ms. Werner asked Mr. Greenbaum if he was able to secure the manufacturers specifications. He replied that he had not but added that his engineer recommended these specific tanks and the State of Connecticut Health Department approved their usage instead of a septic system. Ms. Werner asked Mr. Greenbaum to followup with Ms. Catherine Weber, Town Sanitarian, Torrington Area Health Department, with regard to the possibility of freezing issues. She continued that the last thing the Commission wanted was for the contents of the tank to freeze and crack the tank creating leaking and runoff into the lake. Mr. Greenbaum said that he would followup with Ms. Weber and that the manufacturer said that there is no problem with freezing. He will try to find out how to check for leaks just in case. Mr. Greenbaum said that the tanks would be buried underground and would see if they could bury them deeper than proposed. He added that the tanks are made from high density polyethylene and since they were a local family, they would be making frequent trips to the houses to check on them during the winter. This would be something else that they would be checking on.

Mr. Yagid said that he has seen these types of tanks and feels that at 1500 gallons they would need to be pumped more than annually. He asked if some sort of alarm system could be set up. Mr. Greenbaum replied that there already is an alarm system set up in the specifications. He asked if it would be possible to put a condition in the permit that the tanks would be pumped annually. Mr. Yagid asked if he had received approval from the state and Mr. Greenbaum said that he has not received their approval yet. If that approval is not given, they would not be able to add the tanks and there would be no need for the permit. Mr. Yagid asked if the Commission could give conditional approval and Ms. Werner replied that it could not but they could add a condition about annual pumping.

The Commission discussed the possibility of adding a condition regarding the annual pumping. During the discussion Mr. Yagid asked if the tanks would heave during the winter if they were empty. Mr. Greenbaum said that the area is very dry and he did not think they would. Ms. Hayes asked if the tanks would be pinned to the ledge and Mr. Greenbaum said that they would be able to get the ledge low enough where that would not be necessary. Mr. Greenbaum reminded the Commission that the approval would now also include the installation of a 100 a/g LP tank. Ms. Werner said that the tanks were added to the application at the last meeting.

*Mr. Johnson moved to approve Application #1274-22, Dan Greenbaum, 30 Kenmont Road, Map 16 Block 22 Lot 3, burying two 1,500 plastic septic tanks; crushing and filling existing 2 cesspools; and the addition of a 100 gallon above ground LP tank with the condition that the tanks be pumped as needed and at least annually and leaks checked no later than December 1<sup>st</sup>. Mr. Yagid seconded and the motion carried unanimously.*

**5.B.** Application #1275-22, Brian Neff for Benjamin Rosen, 23 Mauwee Brook Way, Map 9 Block 22 Lot 3, house addition and new walkway to existing courtyard.

Mr. Neff was present to address the Commission. He explained that he had submitted a revised site plan showing the extension of the silt fencing past the break in the stonewall as was requested by Ms. Clifton.

Having no further questions, the following motion was made.

*Ms. Smith moved to approve Application #1275-22, Brian Neff for Benjamin Rosen, 23 Mauwee Brook Way, Map 9 Block 22 Lot 3, house addition and new walkway to existing courtyard. Mr. Johnson seconded and the motion carried unanimously.*

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## **6. COMMUNICATIONS TO THE COMMISSION**

### **A. WRITTEN**

#### **6.A.1. Monthly Financials: July 2021 – January, 2022**

Document accepted; no action taken.

#### **6.A.2. Permit Application for the Use of Pesticides in State Waters: 260 Kent Hollow Rd.; 320 Kent Cornwall Rd.; Macedonia Brook Rd**

Documents accepted. During discussion it was noted that there were the following issues:

- 260 Kent Hollow Road
  - A question was asked about which way the pond flowed. If it flowed toward the stream, then that stream leads to the West Aspetuck River.
  - The letter from Karen Zyko, Environmental Analyst for the DEEP, recommends holding back water following treatment. The Commission asked how long that needs to be done after each application. This information will be included in the pesticide letter that is sent out to the property owner in response to each application. The Commission also asked Ms. Hayes to find out if Ms. Bodner did retire and who took her place.
- Macedonia Brook Road
  - It was noted during discussion that the actual location of this pond is not on Macedonia Brook Road. Ms. Hayes said that she would contact the representative from Life-Lakes, Inc., pesticide applicator.

### **B. VERBAL**

No action taken.

## **7. ADJOURNMENT**

*Mr. Yagid moved to adjourn at 8:52 p.m. Ms. Smith seconded and the motion carried unanimously.*

Respectfully submitted,

*Donna M. Hayes*

Donna M. Hayes, CZEO  
Land Use Administrator

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