

TOWN OF KENT INLAND WETLANDS COMMISSION

41 Kent Green Boulevard
P.O. Box 678
Kent, CT 06757
Phone (860) 927-4625

RECEIVED

By Darlene Brady at 10:00 am, Mar 26, 2024

REGULAR MEETING MINUTES

The Inland Wetlands Commission held a regular meeting via zoom on Monday, March 25, 2024, beginning at 7:00 p.m.

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, Jeff Galusha, Marge Smith, Paul Yagid

Staff Present: Tai Kern, Land Use Administrator
Donna Hayes, Assistant Land Use Administrator

Mr. Yagid moved to elevate Mr. Galusha to voting status. Ms. Smith seconded and the motion carried unanimously.

3. READING OF MINUTES OF PREVIOUS MEETINGS

- 3.A.** Regular Meeting Minutes February 26, 2024
- 3.B.** Special Meeting Minutes March 18, 2024
- 3.C.** Special Meeting Site Walk Minutes March 18, 2024

Ms. Smith moved to approve agenda items 3.A., 3.B. and 3.C. as presented. Mr. Yagid seconded and the motion carried unanimously.

4. OLD BUSINESS

- 4.A.** Application 1336-24, John Slowik, 111 Geer Mountain Rd, Map 11, Block 40, Lot 60, After the fact driveway drainage within the wetland area. **Applicant granted extension to April 22, 2024 IWC meeting.**

No action taken.

- 4.B.** Application 1338-24, Joy Simbulan-Khuu, 71 Gorham Rd, Map 15, Block 22, Lot 24, Construction of Single-Family house with 2 car detached garage. **Withdrawn**

Kent Inland Wetlands Regular Minutes 03/25/2024

These are draft minutes and reflect a summary of discussions and relative motions. A video/audio recording of this meeting can be found on the Town of Kent Website. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

Ms. Werner asked Ms. Kern if she had any other issues for this project. Ms. Kern said that she will keep an eye on the work even though they have a good erosion control program in place. None of the Commission members had any concerns.

4.C. Application 1339-24, Andria Budd, 422 Kent Hollow Rd, Map 17, Block 32, Lot 27&28, After the fact for activity in wetland area to clean debris and tree cutting.

Ms. Kern said that Mr. Yagid, Mr. Galusha and Mr. Johnson joined Ms. Hayes at the site. Ms. Kern said that Google Earth shows that in 2018 a lot of the work had been done by the prior owner. She did say that Ms. Budd came in and amended the application stating that she will do some sort of remediation for the area. There is no professional plan yet.

Mr. Yagid confirmed that there was extensive work done and putting a time stamp on this work is difficult. When they visited the site nothing was resprouting on the opposite side of the stream. There looked like there was a stream crossing that had been raked out recently. Mr. Yagid believes that the work needs to be monitored and there should be some sort of remediation plan in place.

Ms. Werner asked Ms. Budd for her thoughts. Ms. Budd agreed to put together a remediation plan and asked if she could do some planting for stabilization prior to the next meeting. Ms. Kern said that Ms. Budd had asked to put in some rye grass and topsoil. Ms. Kern agreed to the rye seeding during that conversation, but advised against the deposit of top soil or any other material until the site walk occurred and the Commission had a chance to comment. Ms. Werner said that no erosion controls were in place so she did not think adding the topsoil now would be a good idea. Mr. Yagid said that with all of the wood chips that had been placed in the area, seeding would not make a difference; he would rather see a remediation plan. It was asked if the Commission thought that erosion controls should be put in place. Mr. Yagid continued that there is a lot of flow from across the stream and the roadway but the flooding seems to flow and recede. Mr. Galusha agreed with Mr. Yagid and said that there is a lot of water in the stream and erosion controls would not work but felt that the wood chips may help with runoff from the yard. He asked if the wood chips had gone into the stream after this weekend's heavy rains. Ms. Budd said that none of the wood chips had moved.

Ms. Werner suggested that the property owners get a replanting plan to slow down the water and act as a buffer along the edge of the stream and that the Commission will look at it next month. Ms. Budd said that there was some growth in the area. Ms. Werner said that it should be included into the planting plan.

Mr. Deitz asked for a comparison of the before and after that Ms. Kern had referred to in the earlier part of the discussion. The group viewed Google Earth photos of the site showing the clearing that has occurred since 2018.

Mr. Yagid asked about the gravel path on other side of the brook. Ms. Budd said that they put the gravel path in to access all of their property. Ms. Werner asked if it should be remediated or removed. Mr. Yagid said that he would have to go out there and take a look at that area before making a decision. Ms. Werner asked if the Commission was asking for extensive planting in that area. Mr. Yagid suggested that the professional look at the path and propose a plan to address the functionality of the wetland and questions and concerns of the pathway.

Mr. Yagid moved to continue Application 1339-24, Andria Budd, 422 Kent Hollow Rd, Map 17, Block 32, Lot 27&28, After the fact for activity in wetland area to clean debris and tree cutting in order to review a professional plan to restore the functionality of the wetland and questions and concerns of the pathway. Ms. Smith seconded and the motion carried unanimously.

5. NEW BUSINESS

Kent Inland Wetlands Regular Minutes 03/25/2024

These are draft minutes and reflect a summary of discussions and relative motions. A video/audio recording of this meeting can be found on the Town of Kent Website. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

5.A. Application 1341-24, Kenmont and Kenwood, LLC, Kenmont Rd., Map 15, Lot 22, Block 100, after the fact dirt road to shore, dock and boat launch within wetlands

Ms. Kern said that this dirt road had been installed to the shore and a dock and boat launch had been installed with no permits. She said that in 2012 the pathway seemed to form but she had no idea when the dock and boat launch was put in.

Atty. Sconyers, representing the property owners, said that the roadway is about 1800' through a wet area to the lake. He continued that at the end of the roadway is a fairly substantial dock that would not be removed seasonally. The roadway consists of logs which allows the water to flow freely through the wetland area. Ms. Werner asked how long the dock was and Atty. Sconyers said that it was about 15' long into the water. When asked if the posts were in the lake, Atty. Sconyers said that they were.

Ms. Werner asked if the Commission had any comments. Mr. Deitz said that he did not think the Commission would have allowed this. Ms. Werner said that the Commission can ask that it be removed or issue an after the fact permit.

Mr. Yagid asked if the tree farm was part of the camp. Atty. Sconyers said that it was not. When asked if the parcel was for sale, Atty. Sconyers said that it was. Mr. Yagid said that the area of the lake was full of lily pads and was very shallow and didn't feel that the dock served any purpose. Mr. Deitz said that it goes through standing water to get to that area. It was thought that the dock was put in sometime between 2012 and 2020. Mr. Deitz said that the wood pathway seemed to appear between 2014 and 2020. He wasn't sure if the work to take it out might cause more harm to the area. Ms. Werner said that her instinct would be to remove the dock and the roadway. Mr. Yagid suggested that the dock be removed and let nature take its course along the roadway. Atty. Sconyers thought that would be the most sensible thing to do. He said he advised his clients that might be the case. Mr. Deitz questioned what material was used under the logs. Ms. Smith said that she felt it was just logs with dirt on top. Ms. Smith questioned if the roadway was improved since 2018 in order to put the dock in. Mr. Yagid felt that the dock was put in from the water and not from the land and that he did not think there were any cement footings.

A question was raised about the ownership of the property. It was determined that it was an LLC that was created by Mr. Albin, now deceased and that the issue is with the current owner. Atty. Sconyers said that he thought the removal of the dock and the naturalization of the roadway would be the best option. Ms. Werner asked if Atty. Sconyers thought that the removal of the dock and the removal of the posts would be easy to do. Mr. Yagid said that he thought it would be minimal disturbance to do this.

Ms. Werner asked Ms. Kern what the next steps would be. Ms. Kern suggested that the Commission deny the after the fact permit and issue an order to remove the dock and let the area restore itself. She suggested that she contact Atty. Zizka on how to move forward and Atty. Sconyers will work on the steps to remove.

Mr. Deitz moved to continue Application 1341-24, Kenmont and Kenwood, LLC, Kenmont Rd., Map 15, Lot 22, Block 100, after the fact dirt road to shore, dock and boat launch within wetlands with the understanding that Ms. Kern will work with Atty. Zizka on how to move forward and Atty. Sconyers will work on how best to remove the dock. Mr. Yagid seconded and the motion carried unanimously.

Mr. Galusha asked if there was something that should be communicated to any new owner that this roadway should not be used in the future. Ms. Werner noted for the record that it was the determination of the Commission that the roadway was illegal and not to be used in the future. Ms. Kern said that she will speak with Atty. Zizka about whether or not something could be put on the land records.

Kent Inland Wetlands Regular Minutes 03/25/2024

These are draft minutes and reflect a summary of discussions and relative motions. A video/audio recording of this meeting can be found on the Town of Kent Website. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

6. COMMUNICATIONS TO THE COMMISSION

A. WRITTEN

1. Site Inspection Report 310/316/320 Kent Cornwall Rd.

Ms. Kern reported that she had viewed the sites with Mr. Wynn, adjoining neighbor, and found that everything that was done at 310 Kent Cornwall Road had been permitted. With regard to the Wynn/Lewis property (316 Kent Cornwall Rd), the trees that are struggling due to the water content in the area seem to be planted in a regulated area and the expectation would be that the area would be wet due to the proximity of ponds on their property. There was no impact on the property located at 320 Kent Cornwall Rd.

2. Aquatic Pesticide
 - Leonard Pond
 - Saltz Pond
 - Treasure Hill Pond

Ms. Werner suggested that the Commission look at the applications and report back at the next meeting with any issues.

3. Housatonic Herbicide Working Group

Ms. Kern reported that they have shared the draft legislation regarding the use of herbicides by railroad companies in CT.

B. VERBAL –

1. Citation Hearing Officer Recommendation

Ms. Kern reported that she reached out to both possible hearing officers who are willing to serve. She continued that the next step would be to ask the Selectmen to appoint.

Ms. Smith moved to recommend to the Selectmen that they appoint Mr. Jesse Klingingbiel and Mr. Mike Benjamin as Citation Hearing Officers. Ms. Werner asked that Ms. Kern clarify for the Selectmen that two can be appointed. Mr. Galusha seconded and the motion carried unanimously.

Ms. Kern informed the Commission about possible new legislation regarding IWC training and riparian buffers. Mr. Galusha asked that Ms. Kern email the information out to the Commission.

7. ADJOURNMENT

Mr. Yagid moved to adjourn at 8:17 p.m. Ms. Smith seconded and the motion carried unanimously.

Respectfully submitted,

Donna M. Hayes

Donna M. Hayes, CZEO
Assistant Land Use Administrator

Kent Inland Wetlands Regular Minutes 03/25/2024

These are draft minutes and reflect a summary of discussions and relative motions. A video/audio recording of this meeting can be found on the Town of Kent Website. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.