

TOWN OF KENT INLAND WETLANDS COMMISSION

41 Kent Green Boulevard
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REGULAR MEETING MINUTES

The Inland Wetlands Commission held a regular meeting on Monday, May 23, 2022, at 7:00 p.m. via zoom.

1. CALL TO ORDER

Ms. Werner called the meeting to order at 7:00 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

Mr. Yagid moved to add agenda item 6.A.2., Letter to Lynn Werner, Chairman, and members of the Commission from Stan Greenbaum dated May 19, 2022. Mr. Deitz seconded and the motion carried unanimously.

3. READING OF MINUTES OF PREVIOUS MEETINGS

3.A. Regular Meeting Minutes, April 25, 2022.

Mr. Yagid moved to change this from agenda item 3.A. to agenda item 6.A.3. Ms. Smith seconded and the motion carried unanimously.

4. NEW BUSINESS

No action taken.

5. OLD BUSINESS

5.A. Application #1280-22, Karen Stonely of Span Architecture for Alexandra Jarislowsky and Kevin Snow, 30 Appalachian Rd., Map 1 Block 8 Lot 28, demolition of existing house leaving footings and foundation; construction of studio residence and terrace on existing footings; removal of existing tennis court.

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Mr. Peter Pelsinski was present to address the Commission. He told the Commission that they had prepared and submitted an erosion control plan that shows the installation of a double-walled, silt fencing system to the north of the existing foundation wall. There will also be a staging area set up as far away from the pond as possible where all of the debris from the demolition and construction will be placed. In addition to the submitted plan to the Inland Wetland Commission, Mr. Pelsinski stated that they have started the submission for their building permit. Ms. Hayes asked for clarification of the statement that the foundation of the existing deck would remain. At this point in time, Ms. Stonely joined the meeting and explained that the foundation for the house and deck would remain and new decking would simply be placed on top of its foundation.

Having no further questions, the following motion was made:

Ms. Smith moved to approve Application #1280-22, Karen Stonely of Span Architecture for Alexandra Jarislowsky and Kevin Snow, 30 Appalachian Rd., Map 1 Block 8 Lot 28, demolition of existing house leaving footings and foundation; construction of studio residence and terrace on existing footings; removal of existing tennis court. Mr. Deitz seconded and the motion carried unanimously.

5.B. 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. Hayes reported that she had driven past the property this afternoon and found that the area had been cleaned up. She also reported that she will be meeting with Ms. Cynthia Rabinowitz of the Northwest Conservation District on June 2nd at 10:00 am at the subject property. This information was communicated to Mr. Dan Greenbaum on Friday of last week. Mr. Stan Greenbaum asked for an explanation of what will be done during the soil testing. Ms. Werner said that she has worked with the Northwest Conservation District many times and that Ms. Rabinowitz will walk the property and could possibly take soil samples with a small tool or just identify the wetland area simply by looking at what is growing in the area. A report will be created and submitted to the Commission. Mr. Stan Greenbaum said he would like to attend and asked that all the surrounding properties be looked at as well.

Ms. Smith moved to continue Possible Notice of Violation, Stanley Greenbaum, 247 Bulls Bridge Road, Map 6 Block 11 Lot 1, refuse and work done in a regulated area to the next regular meeting. Mr. Yagid seconded and the motion continued.

5.C. Email complaint from Matthew Starr regarding the drainage issues due to logging operation on Macedonia Road.

Ms. Hayes reported that she had inspected the site today and all of the drainage issues that were brought up by Mr. Starr had been taken care of by the forester with the help of Mr. Rick Osborne the day after the issue had been raised with the Commission. She continued that the temporary parking area to the east of the project was not being used, that it had dried up and grass was currently growing. There was no water crossing Route 341. Ms. Hayes and the Commission thanked Mr. Rick Osborne for his assistance in getting this situation cleared up.

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6. COMMUNICATIONS TO THE COMMISSION

A. WRITTEN

- 6.A.1. Email from Alberto Mimo dated May 17th regarding the temporary installation of a temperature probe in Leonard Pond.

Ms. Hayes reported that she had initially received a phone call from Mr. Mimo regarding this temporary installation of a temperature probe. As stated in his email, he does have permission from the DEEP for this work. Ms. Hayes said that she would contact the property owner, Mr. David Schreiber of Club Getaway, to let him know that this work will be done.

- 6.A.2. Letter to Lynn Werner, Chairman, and members of the Commission from Stann Greenbaum dated May 19, 2022.

Ms. Werner read Mr. Stan Greenbaum's letter (see attached) into the record.

In response to Mr. Stan Greenbaum's letter, Ms. Werner said that she never received a copy of the letter to Mr. Wes Wyrick and said that, even if she had received it, she did not think it would be appropriate for her to read as it was addressed to the Planning and Zoning Commission. She continued that the minutes are never intended to be a transcript of the meeting. The Commission records the meeting for the purpose of summarizing the conversation. While there may be presentation of conversation that is not an accurate transcript of the exact words used, the minutes are not intended to be used that way. Ms. Werner continued by stating that there are times when the Commission is asked for a transcript. Some of those instances could be during a public hearing or if the Commission was going to court. Mr. Werner said that she understands after reading Mr. Stan Greenbaum's letter that he felt that the description of the conversation was inaccurate enough, perhaps, to imply some sort of assumed wrong doing on his part or his son's part. Speaking on behalf of the Commission and Ms. Hayes, Ms. Werner said that she does not agree with that perception but understands where Mr. Stan Greenbaum was coming from. Ms. Werner suggested that the Commission approve the minutes with whatever other changes might need to be made including Mr. Stan Greenbaum's letter as part of those minutes so that it becomes part of the official record. She feels that would be more effective rather than going back and forth between the minutes and Mr. Stan Greenbaum's letter. This would ensure that it would officially become part of the record.

Ms. Werner asked for comments from the Commission. Mr. Deitz said that he feels it would be the most efficient way of going about it. Ms. Smith agreed with Ms. Werner's comment about the minutes being a synopsis or summary of what happened at the meeting rather than a transcription. She continued by stating that words that are used in the minutes are not often specifically used in the discussion but they are there to explain, in a nutshell, what might take paragraphs and pages to describe. Ms. Smith said that attaching Mr. Stan Greenbaum's detailed letter was a great idea. There were no other thoughts or comments from the Commission.

Mr. Greenbaum said that under the usual course of events he would agree with Ms. Werner's point of view regarding minutes versus transcripts. His concern was that the errors he encountered all tended to be pejorative and he found that to be objectionable, particularly since it was suggested that he did not understand the role of the Board of Selectmen in the process of approving the driveway in that setting and

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that same statement was written and repeated at two different meetings in the minutes when it was never said. Mr. Greenbaum continued that that was his concern; that there is a point of view here which is kind of argumentative toward him and does not present the situation in a fair light. Ms. Werner said that by accepting his letter and making it part of the minutes, the Commission is acknowledging that his description of the exact wording that was included becomes part of the minutes for that meeting. She continued that she hopes that it will eliminate his concern that the Commission is being, in some way, antagonistic toward him which, speaking on behalf of the Commission, they are not. Mr. Greenbaum agreed. Ms. Werner asked Ms. Hayes if she was in agreement with that approach. Ms. Hayes said that she was and would attach the letter to the minutes.

With no other comments, Ms. Werner moved on to the approval of the Regular Meeting Minutes of April 25, 2022.

6.A.3. Regular Meeting Minutes, April 25, 2022.

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

Ms. Smith asked that the word “she” be inserted between the words “that” and “will” on page 3, last sentence of agenda item 4.C. and that the word “affects” be changed to “effects” on the third line of the second paragraph under agenda item 5.

Ms. Smith moved to approve the Regular Meeting Minutes, April 25, 2022, with the noted corrections and the inclusion of Mr. Stan Greenbaum's letter dated May 19, 2022. Mr. Yagid seconded and the motion carried with Mr. Deitz and Mr. Johnson abstaining.

B. VERBAL

No action taken.

7. ADJOURNMENT

Ms. Smith moved to adjourn at 7:45 p.m. Mr. Deitz seconded and the motion carried unanimously.

Respectfully submitted,



Donna M. Hayes, CZEO
Land Use Administrator

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DB

AGENDA ITEM 6: A-Z



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May 19, 2022

RECEIVED
TOWN CLERK
MAY 19 2022

2022 MAY 19 AM 11:16

BY Lynn Starnweber
TOWN CLERK

Ms. Lynn Werner, Chairman, and Members of the
Kent Inland Wetlands Commission
Town Hall
Kent, CT 06757

Dear Ms. Werner and members of the Inland Wetlands Commission,

I am writing pursuant to the discussion, under item 4.C of the Agenda for the April 25, 2022 Kent Inland Wetlands Commission meeting, regarding a "Possible Notice of Violation" at my property at 247 Bull's Bridge Road, South Kent, CT 06784

I have read the minutes of the meeting and I have transcribed the part of the ZOOM recording where the discussion took place, 34 minutes into the one hour and thirty-four minute recording. The discussion regarding item 4.C in the transcript lasted for approximately 20 minutes.

There are some significant errors in the minutes of the meeting. There are statements in the minutes that are not to be found in the recording of the meeting.

In the minutes of the meeting, it says "Ms. Hayes (the Kent Land Use Administrator) explained that she had been working with Mr. Dan Greenbaum, the property owner's son, with regard to cleaning up the area that she believes is in the wetlands. It was her recommendation to bring it to the Commission since the cleanup has not progressed and as a matter of fact has gotten worse."

These two sentences would suggest that Ms. Hayes had met with my son, Dan Greenbaum, to develop a plan or to make some agreement "with regard to cleaning up the area that she believes is in the wetlands." That statement is reflected in the recording of the meeting. I will speak to the veracity of that statement in a future correspondence once I have the records I have requested from the Kent Planning and Zoning Commission, the Kent Inland Wetlands Commission, the Kent Conservation Commission and the Board of Selectmen. However, Ms. Hayes goes on to say in the second sentence that "the cleanup has not progressed and as a matter of fact has gotten worse."

That statement was not made at the Commission meeting and is not on the recording. It suggests, if it were true, that my son, Dan, was not cooperating with the Land Use Administrator and not following some alleged plan that was based on some communication with my son. Ms. Hayes does say in the recording "I know that the Greenbaums have appeared before Planning and Zoning on April 14th (2022), and they said that they were going to work on cleaning up that area. I just felt that at this point in time you guys need to be involved because it's just been moving too slowly. That's why I brought it before you guys."

The minutes go on to say, "Mr. Stan Greenbaum replied that he had the soil boundaries identified in 1980; the driveway is not part of a wetland and he received permission from the Board of Selectmen back in 1980 to put the driveway in; and that the junk Ms. Hayes referred to is not in the wetlands. Ms. Werner asked Ms. Hayes if any of these permits were located in the file. She replied that every piece of paper that was in the file had been identified in her staff report (to the Kent Planning and Zoning Commission). Ms. Hayes continued that she does not have any of the soil maps that Mr. Greenbaum has referred to."

There are a number of problems with the minutes of the meeting containing the above statement.

1. Nowhere in the recording do I say that I received permission from the Board of Selectmen to put in the driveway across my property. I very clearly state on the recording of the meeting that "In order to get the driveway built, we had to get permission from the Board of Selectmen to join Bull's Bridge Road at the east end of the property (41 minutes, 58 seconds into the recording). This same egregious error appears in the written minutes of the Kent Planning and Zoning meeting on April 14, 2022. The minutes of the Planning and Zoning meeting say that "Mr. Stanley Greenbaum said that the driveway had been permitted by the Board of Selectmen in 1980." What I actually said, based on a transcript of the meeting recording was "When we built the driveway, we had to get permission from the Board of Selectmen to tie it into Bull's Bridge Road."
2. The minutes quote me as saying "the driveway is not part of a wetland." I did not make that statement and it is not to be found on the recording. What I did say was "The area Donna is referring to is not part of the wetland on our property," that area being the southeast corner of the property. I did not say that "the driveway is not part of a wetland." I know and acknowledge that the driveway from the barn area to the east end of the property crosses a small area that had been identified as a wetland.
3. Neither I nor Ms. Hayes or anyone else refers to the materials in the yard as "junk" in the recording of the meeting. Ms. Hayes does say "We need to get that stuff out of the back corner. It needs to be out of there. Ms. Werner says, "By

stuff you mean a truck, a camper.. Ms. Hayes replies, without affirming Ms. Werner's attempt to clarify, "There's metal. I know they said they have already emptied two dumpsters, like two tons worth of stuff."

4. The minutes go on to say, "Ms. Werner asked Ms. Hayes if any of these permits were located in the file. She replied that every piece of paper that was in the file had been identified in her staff report (to the Kent Planning and Zoning Commission)." This answer was not responsive to the question that was asked by Ms. Werner.
5. The statement "Ms. Hayes continued that she does not have any of the soil maps that Mr. Greenbaum has referred to." Alerted me to another issue. I did not refer to soil maps in any of my statements. The one map that I was aware of is in the Planning and Zoning file and is the map I submitted to get permission to construct the driveway. It was not until I read the minutes of the Planning and Zoning meeting and, subsequently the minutes of the Inland Wetlands Commission meeting, that I realized that Ms. Hayes had conflated the Inland Wetlands Commission with the Conservation Commission. I didn't realize it at the time of the respective meetings. I attended the Planning and Zoning Meeting on April 14, 2022 via ZOOM from Kaua'i, HI and when I attended the Conservation Commission meeting via ZOOM on April 25th, 2022, I had only been back in Connecticut for a few days after an absence of almost 4 months. There are numerous documents in the Planning and Zoning file regarding my interaction with the Conservation Commission, NOT the Inland Wetlands Commission. All of my references to "Inlands and Wetlands" at both meetings should be read as the Kent Conservation Commission. Without a more careful check of the records, I can't recall having a prior interaction with the Inland Wetlands Commission regarding either of the properties I have owned in Kent or with my parents' former property on North Spectacle Pond.

The purpose of this letter is to point out errors in the minutes of the Kent Inland Wetlands meeting of April 25, 2022. I will address the substantive issues raised by the Land Use Administrator, Ms. Donna Hayes, in a subsequent communication once I have had the opportunity to review the records I have requested from the Kent Planning and Zoning Commission, the Kent Conservation Commission, the Kent Inland Wetlands Commission and the Board of Selectmen. I have requested copies of any files pertaining to my property at 247 Bull's Bridge Road as well as the agendas and minutes of these Town Boards and Commissions for the years 1977 to 1981.

Ms. Hayes has responded to my FOI request, dated May 10, 2022 and informed me that "Per Connecticut General Statute Sec. 1-212(a), *"Any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record. The type of copy provided shall be within the discretion of the public agency, except (1) the agency shall provide a certified copy whenever requested, and (2)*

if the applicant does not have access to a computer or facsimile machine, the public agency shall not send the applicant an electronic or facsimile copy. The fee for any copy provided in accordance with the Freedom of Information Act."

The bold italics are hers. I had requested digital copies, however, the type of copy is at the discretion of the public agency and the agency may charge up to \$.50 per page for the copied records.

I am also attaching a copy of a letter that I have written to Mr. Wes Wyrick, Chairman of the Kent Planning and Zoning Commission regarding the errors in the minutes of their meeting on April 14, 2022. I am respectfully requesting that this letter and the letter to Mr. Wyrick be read into the minutes of your Inland Wetlands meeting on May 23, 2022 as they may pertain to the numerous errors the Land Use Administrator, Ms. Donna Hayes, made in leading the discussion regarding "possible violations" at my property at 247 Bull's Bridge Road brought to both Commissions, as the approval of the minutes of the meeting of April 25, 2022 with these errors in place would do harm to the credibility of the Inland Wetlands Commission and to me and my property rights.

Please note that this complaint of a "possible violation" brought by Ms. Hayes was a direct result of our efforts to remove all of the objects on the southeast corner of the property. Prior to that effort that began approximately a year ago, the area was fenced and screened from view from neighbors and passers-by. The effort was nearly completed in mid-December 2022, when there was a 6-inch snowfall. All remaining objects were removed within 10 days of your last meeting on April 25, 2022.

In the minutes of the April 25th meeting, it says "Ms. Hayes said that (she) will touch base with Mr. Dan Greenbaum when she returns from vacation." On the recording of the meeting, Ms. Werner asks Ms. Hayes, "Donna, are you willing to go to the site and identify a site you are pretty sure is not a wetland?" Ms. Hayes says, "It will have to be next week. I am officially on vacation right now." Ms. Werner says, "So, you will reach out to Dan directly?" Ms. Hayes responds, "Yeah, absolutely." Ms. Hayes has not contacted either my son, Dan Greenbaum, or myself in the intervening 3^{1/2} weeks. The site cleanup was completed on May 5, 2022,

I am hereby requesting that the minutes be corrected to remove these errors and any others that you may find. I am also requesting copies of all emails and other correspondence related to this possible violation or to my property.

Thank you for your assistance in this matter.

Cordially,

A handwritten signature in black ink, appearing to read "Stan Greenbaum". The signature is fluid and cursive, with the first name "Stan" being more prominent.

Stan Greenbaum

cc: Town Clerk, Darlene Brady
First Selectman, Jean Speck
Wes Wyrick, Chairman, Planning and Zoning Commission
Connie Manes, Chairman, Conservation Commission
Michael Zizka, Esq.