

# TOWN OF KENT INLAND WETLANDS COMMISSION

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## **REGULAR MEETING MINUTES**

The Inland Wetlands Commission held a regular meeting via zoom on Monday, April 25, 2022, at 7:00 p.m.

### **1. CALL TO ORDER**

Ms. Werner called the meeting to order at 7:06 p.m.

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

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

Staff Present: Donna M. Hayes, LUA

Ms. Hayes reported that she had two agenda items that need to be added.

*Ms. Smith moved to add agenda items 6.A.6., Email complaint from Matthew Starr regarding drainage issues due to the realignment of Fuller Mountain Road; and, 6.A.7., Email complaint from Matthew Starr regarding drainage issues due to logging operation on Macedonia Road to the agenda. Mr. Yagid seconded and the motion carried unanimously.*

### **3. READING OF MINUTES OF PREVIOUS MEETINGS**

#### **3.A. Regular Meeting Minutes, March 28, 2022.**

Ms. Werner asked that the words “removed from” on page 3, second paragraph, third line, be changed to “washed into”. Ms. Clifton agreed.

*Ms. Smith moved to approve the Regular Meeting Minutes, March 28, 2022, as amended. Mr. Johnson seconded and the motion carried unanimously.*

### **4. NEW BUSINESS**

#### **4.A. Renewal of Application #1153-17, Town of Kent, Park and Recreation, 42 Segar Mountain Road, annual cleaning of the Emery Park swimming area, Map 10 Block 40 Lot 9.**

Ms. Hayes explained that this permit had been issued 5 years ago for the normal maintenance and cleaning of the swimming area in Emery Park. She continued that there is a possibility that the swimming area might not be opened this year since the delayed maintenance over the past two years due to COVID had taken its toll on the structure. Ms. Hayes said that she met with Mr. Jared Kuczenski, the new Park and Recreation Director, at the

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park to give him an idea of what would be considered maintenance. Mr. Kuczenski told Ms. Hayes that they will be bringing in an engineer to review how much work will need to be done to the pool in order to be able to open the area for the summer. It was her suggestion that the permit be extended in case it is needed in the near future.

Ms. Hayes also reported that there was mention of dredging the filler pond. She advised Mr. Kuczenski that would require a separate permit and the work would have to be done by a professional.

*Ms. Smith moved to approve Renewal of Application #1153-17, Town of Kent, Park and Recreation, 42 Segar Mountain Road, annual cleaning of the Emery Park swimming area, Map 10 Block 40 Lot 9 for 5 years. Mr. Yagid seconded and the motion carried unanimously.*

- 4.B.** 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.

Ms. Karen Stonely and Mr. Peter Pelsinski were in attendance representing the property owners. Mr. Pelsinski told the Commission that this was a new piece of property for the owners and their plan would be to demolish the existing house, leaving the existing foundation in place. In place of the existing house, a smaller, primary structure would be built enabling the new owners to take full advantage of the existing pond. The owners are currently working with landscapers to see what can be done within the confines of the foundation in terms of possible gardens and picnic area. Mr. Pelsinski continued that the house is currently 25' from the pond and 50' from the septic. The garage and driveway will remain for now, but there might be some minor changes to the driveway in the future. The existing tennis courts will be demolished and the area will be left to naturalize.

Ms. Stonely told the Commission that the present owners always dreamed of having a piece of property with a pond and a small retreat. At this point in time, the plan is to just add the small structure in order to enjoy the property itself.

Ms. Werner asked if the footprint of the existing house will remain the same with the same amount of impervious surface. Ms. Stonely replied that their plan is to build a new house in the future that will be placed outside of the wetlands setback area. There is a possibility that some of the existing foundation would be removed. Their goal is to keep the existing footings to prevent any undue disturbance to the pond.

Ms. Stonely did point out that there might be some change to the driveway down the road. Ms. Werner asked if that was part of the application and Ms. Stonely said that it was not. The existing driveway is gravel and it will be their suggestion that the width of the driveway be reduced to a smaller lane encouraging it to be more natural. Ms. Hayes commented that they can always come back and modify the wetlands permit if and when any changes are proposed.

Ms. Werner said that she did not see any drainage control measures and was wondering if they were proposing any. Ms. Stonely said they would work with the contractor with regard to the placement of the erosion controls.

Mr. Yagid asked if the existing deck will remain. Ms. Stonely replied that it will stay as is until they have a better idea with regard to the landscaping.

Mr. Pelsinski said that they will provide an erosion control plan at the next meeting. With regard to the landscaping plan, it is planned to be completed in the future, over a period of time. Ms. Hayes advised that they come back with the plan and set that up as a separate permit since the permit to demolish the house and build the

smaller structure will expire when the zoning work is done. If it is planned to have a staggered landscaping plan, it would be better timing wise to have that as a separate permit.

*Mr. Yagid moved to continue Application #1280-22, Karen Stonely of Span Architecture for Alexandra Jarislowky 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 with the understanding that the applicant will return to the next meeting with a siltation protection plan for the pond. Ms. Smith seconded and the motion carried unanimously.*

**4.C. 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 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 had gotten worse. She explained that she was hoping the Commission could encourage the Greenbaum's to have another soil scientist come in to delineate the wetland soils to get a much clearer picture of exactly where the wetlands are located and recommended that this work be done by the Northwest Conservation District.

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 those 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. Ms. Hayes continued that she does not have any of the soil maps that Mr. Greenbaum had referred to.

Ms. Werner agreed that it would be very helpful if someone from the Northwest Conservation District could come and identify the wetland soils and asked the Commission if they had any comments. Ms. Smith agreed and felt that by getting the wetland soils re-delineated, the Commission would be able to come up with a better remediation plan.

Mr. Johnson agreed with Ms. Werner and commented that a lot can change over 4 decades.

Mr. Yagid said that getting the wetlands established would help the Commission identify what needs to be done by both parties.

Ms. Werner said that she would like Ms. Hayes to reach out to the Northwest Conservation District about getting the wetlands delineated and asked her to check back in the minutes to see if any permits had been issued as Mr. Greenbaum said was done. Mr. Werner also asked Mr. Greenbaum to remove the items from the area identified in the pictures. Mr. Greenbaum said that the truck was moved yesterday along with some of the other items. Contrary to what Ms. Hayes said, no phragmites were removed.

Ms. Werner asked that all of the material be moved to an area outside of the wetlands and continue to do so until everything is cleared up. She advised that this item will remain on the agenda until a resolution has been reached and all of the cleanup was done.

Ms. Hayes said that will touch base with Mr. Dan Greenbaum when she returns from vacation.

*Mr. Yagid 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 May meeting. Mr. Johnson seconded and the motion carried unanimously.*

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## **5. OLD BUSINESS**

No action taken.

Before moving on with the agenda, Ms. Werner recognized Mr. Alex Kohnstomm, a student at the Kent School, who was attending the meeting as part of a school project he is working on. He explained that he is currently working on the affects to wetlands due to curtailed habitat movement. Ms. Werner referred him to HVA with regard to habitat crossways and the Commission wished him luck with his research.

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

### **A. WRITTEN**

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

Ms. Hayes advised the Commission that the budget had been approved by the Board of Finance with a minor change to the Inland Wetlands legal line. The approved budget will be presented to the public on May 6<sup>th</sup>. A vote on the budget will be held on May 20<sup>th</sup>. She is hoping to begin receiving monthly financials now that the budget season is over.

#### **6.A.2. Permit Application for the Use of Pesticides in State Waters:**

**6.A.2.1.** 1 Anderson Acres Rd. - followup

**6.A.2.2.** 40 Bulls Bridge Rd. – followup

**6.A.2.3.** 99 Ore Hill Road Rock Cobble Farms (multiple locations)

Ms. Hayes reported that she had sent two emails out regarding 6.A.2.1. and 6.A.2.2. but had not heard back. She is hoping that her contact at the DEEP is acting on all the Commission's recommendations and not just ignoring them.

With regard to 6.A.2.3., Ms. Werner asked Ms. Hayes if she knew anyone who worked on Rock Cobble Farm. She replied that she did and advised the Commission that she would contact him regarding the application and the issues that were noted with regard to illegal activity of the applicator. The Commission had no other comments.

#### **6.A.3. Notification from Town of Washington of proposed work within 500 feet of Town of Kent.**

Ms. Hayes said that she had received an updated site plan from Arthur H. Howland due to comments that were made by Washington's Inland Wetlands Commission. She also told the Commission that the cement rock wall that was noted on the original site plan was not being placed along the water's edge as was originally believed, but was being placed away from that area. The plan is to continue the natural boulder design along the water's edge.

#### **6.A.4. Email from Georgianne Ensign regarding the Casey forestry operation.**

Ms. Hayes reported that she had not heard whether or not the logging operation had started and that she had replied to Ms. Ensign with regard to the timing. Ms. Ensign thanked Ms. Hayes for her response.

**6.A.5. Update on Hilltop Dam Repair**

Ms. Hayes reported that this was just an update to the repair to the dam that was done last year. It seems as if the repair was not 100% successful and some more minor repairs will need to be made. She will keep the Commission advised.

**6.A.6. Email complaint from Matthew Starr regarding drainage issues due to the realignment of Fuller Mountain Road.**

Ms. Hayes said that she had worked with Mr. Osborne regarding this issue and that all of the drainage issues that had occurred due to a severe rain storm had been corrected and additional erosion control measures had been put in place.

**6.A.7. Email complaint from Matthew Starr regarding drainage issues due to logging operation on Macedonia Road.**

Ms. Hayes reported that this was something that had come up on Friday of last week. She told the Commission she had spoken with the logger and visited the site on both Saturday and again this morning with Mr. Osborne. There is a plan in place which the logger had agreed to complete on Tuesday, April 26<sup>th</sup>. Since Ms. Hayes will be on vacation, she is asking Mr. Osborne to check to make sure the work has been done according to their site visit.

**B. VERBAL**

Ms. Hayes reported that she will be out of the office beginning Tuesday, April 26<sup>th</sup> returning on Monday, May 2<sup>nd</sup>.

**7. ADJOURNMENT**

*Mr. Yagid moved to adjourn at 8:39 p.m. Mr. Johnson seconded and the motion carried unanimously.*

Respectfully submitted,

*Donna M. Hayes*

Donna M. Hayes, CZEO  
Land Use Administrator