

# TOWN OF KENT INLAND WETLANDS COMMISSION

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Phone (860) 927-4625

## REGULAR MEETING MINUTES

The Inland Wetlands Commission held a regular meeting via zoom on Monday, March 27, 2023, beginning at 7:00 p.m.

### **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; Ken Johnson, Anthony Palumbo, Marge Smith, Paul Yagid

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

*Ms. Smith moved to add agenda item 5.F., Application # 1315-23, Kent School (Daniel Robertson, Artis Energy), Schaghticoke Rd., installation of 2 EV Charging Stations within the regulated area. Mr Johnson seconded and the motion carried unanimously.*

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

**3.A.** Regular Meeting Minutes, February 27, 2023.

Ms. Smith noted that the spelling of "Duke Echols" should be corrected and that Mr. Bennett's name in agenda item 6.A.3. requires a second "t".

*Mr. Yagid moved to approve the Regular Meeting Minutes, February 27, 2023, with the changes as noted. Mr. Johnson seconded and the motion carried unanimously.*

### **4. OLD BUSINESS**

**4.A.** Application # 1301-23, Cheryl Gould, 147 Treasure Hill Rd, Map 17, Block 32, Lot 23, improve drainage from upper pond to lower pond, improve existing gravel driveway to back field and construct a guest house with a septic system. (Decision date March 29, 2023)

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Kent Inland Wetlands Regular Minutes 03/27/2023

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Ms. Kern reported that the tree cutting and planting plan information was added and the plan has been updated accordingly.

*Mr. Johnson moved to approve Application # 1301-23, Cheryl Gould, 147 Treasure Hill Rd, Map 17, Block 32, Lot 23, improve drainage from upper pond to lower pond, improve existing gravel driveway to back field and construct a guest house with a septic system. Mr. Yagid seconded and the motion carried unanimously.*

- 4.B.** Application # 1304.23, Kent Park & Recreation for Town of Kent, 38 Maple Street, Map 4, Block 12, Lot 4, replacement of existing playground equipment and associated site work.

Having no further comments, the following motion was made:

*Ms. Smith moved to approve Application # 1304.23, Kent Park & Recreation for Town of Kent, 38 Maple Street, Map 4, Block 12, Lot 4, replacement of existing playground equipment and associated site work. Mr. Johnson seconded and the motion carried unanimously.*

- 4.C.** Application # 1306-23, Doug Wynn (Victor Lewis), 316 Kent Cornwall Rd., Map 8, Block 22, Lot 15, construction of carport and associated site work.

Ms. Kern reported that the contours were added to the plan. Additional photos were added as well which showed that the property is flat.

*Ms. Smith moved to approve Application # 1306-23, Doug Wynn (Victor Lewis), 316 Kent Cornwall Rd., Map 8, Block 22, Lot 15, construction of carport and associated site work. Mr. Johnson seconded and the motion carried unanimously.*

- 4.D.** Application 1307-23, George & Rosemarie Bosson, 22 Spooner Hill Rd, Map 5, Block 12, Lot 102, construction of dwelling, driveway, well and associated site work.

Ms. Kern reminded the Commission that this had been a late submission to the last meeting and they had asked her to compare this application to the original. In doing this she noted that there were some information missing. Ms. Kern spoke with the engineer who reported that he had been away and said that he would supply the information for the next meeting.

*Mr. Yagid moved to continue Application 1307-23, George & Rosemarie Bosson, 22 Spooner Hill Rd, Map 5, Block 12, Lot 102, construction of dwelling, driveway, well and associated site work. Mr. Johnson seconded and the motion carried unanimously.*

- 4.E.** Application 1308-23, Roland & Betsey Levesque Jr., 218 Bulls Bridge Road, Map 6, Block 12, Lot 21 Construct driveway to proposed barn.

Ms. Kern said that she visited the site and found that there was water on both sides of the crossing. It seemed as if the work had already been done in the area outside of the wetland. She reminded the group that there was a concern that the wetland just seemed to end at the driveway crossing. She noted that she observed that there was water on both sides of the crossing.

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Mr. Dismukes, the engineer for the applicant, said that the melting snow has made the area wetter than normal. He said that the soil scientist determined that the area did not meet the definition of an intermittent stream. Ms. Werner said that the area could be functioning as a wetland.

Mr. Johnson asked if the driveway goes straight in from Bulls Bridge Road; Mr. Dismukes replied that it did.

Ms. Werner asked if the driveway will impede the water. Mr. Dismukes said that it would not. Ms. Kern said that as long as the crossing is engineered to do what is required, she had no issue. Mr. Yagid asked if the 15" pipe was large enough to handle a heavy rain/snow melt. Mr. Dismukes replied that there is currently a 15" pipe in place and it is not full when there is waterflow. He continued that the area around the pipe is acting as a detention area. Ms. Werner said that she did not have a problem with it since nothing is being proposed differently than what is existing.

The discussion centered around the size of the pipe. Mr. Dismukes said he felt it would be fine since the existing pipe does not run full. It was stated that the existing/new pipe is oversized, but they were not sure it would be considered oversized in 10 years.

*Mr. Johnson moved to approve Application 1308-23, Roland & Betsey Levesque Jr., 218 Bulls Bridge Road, Map 6, Block 12, Lot 21 Construct driveway to proposed barn. Mr. Yagid seconded and the motion carried unanimously.*

**4.F.** Application # 1309-23, Davis Road Investments, 85 Davis Road, Map 16, Block 22, Lot 17, tree removal in regulated area.

Ms. Kern said that she did not see any issue with the application since the tree cutting is very selective.

Ms. Smith noted that the application number needed to be corrected to be "1309-23".

*Ms. Smith moved to approve Application # 1309-23, Davis Road Investments, 85 Davis Road, Map 16, Block 22, Lot 17, tree removal in regulated area. Mr. Johnson seconded and the motion carried unanimously.*

**5. NEW BUSINESS**

**5.A.** Application # 1310-23, John & Tonya Sterry, Segar Mountain Road, Map 10, Block 40, Lot 1, cutting of underbrush and fallen trees in regulated area.

Ms. Kern explained that the property is the old Aquarion property. She had received a complaint about the work being done which included the removal of underbrush and dead trees. Ms. Kern said that she spoke with the applicant about the work being done and asked them to submit an application

Mr. Sterry, property owner, said that property used to be cattle field, but the property had been neglected. They purchased it to clean it up and restore it to the way it was 30 years ago. They will not be going into the wetland section, but will be working on the top 4 acres. Mr. Sterry said that they estimate that they are approximately 11' in elevation above Leonard Pond. There is a possibility that the property will be used for cattle and horses.

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Mr. Sterry told the Commission that they had started the work when the ground was frozen, but stopped when it became soft.

Mr. Yagid asked how far they were going to clear. Mr. Sterry said that they will be moving closer to the Rte. 341 border and plan on talking to the State due to the drainage entering the property. Mr. Sterry said that water was entering his property and the State had redirected the drainage there; he hopes they will do the same thing here.

Mr. Sterry said that the property is protected and cannot be developed.

Ms. Werner reminded Mr. Sterry that anytime there is a question about working in a regulated area, he should contact Ms. Kern for guidance.

*Mr. Yagid moved to continue Application # 1310-23, John & Tonya Sterry, Segar Mountain Road, Map 10, Block 40, Lot 1, cutting of underbrush and fallen trees in regulated area. Mr. Johnson seconded and the motion carried unanimously.*

**5.B.** Application # 1311-23, Susanne & Jeffrey Berg, 15 Halls Lane, Map 9, Block 22, Lot 31, tree cutting in wetland area.

Ms. Kern said that the work is being proposed in a wetland and not just the regulated area. Ms. Werner asked if the trees were alive. Mr. Jeffrey Berg, property owner, replied that they are alive. He explained that they were required by the insurance company to take down one, but they were adding the removal of an additional tree in order to put solar on the roof. Mr. Berg stated that both trees were maple trees.

Mr. Yagid asked how they were going to be removed. Ms. Berg replied that a 40-ton crane will pick the cut sections of the trees up and over the house and put them in the driveway. The stumps would remain.

Ms. Werner said she was sad to see the second maple cut down. Ms. Berg said that they could do one and have the solar company come back to do a shade evaluation. Mr. Yagid said that he felt taking down both trees would provide a better environment for the undergrowth.

*Ms. Smith moved to continue Application # 1311-23, Susanne & Jeffrey Berg, 15 Halls Lane, Map 9, Block 22, Lot 31, tree cutting in wetland area. Mr. Johnson seconded and the motion carried unanimously.*

**5.C.** Application # 1312-23, Lydia Long (Wesley Wyrick, Agent), 14 Highland Road, Map 5, Block 12, Lot 87, tree cutting in regulated area.

Ms. Kern informed the Commission that this is a selective tree cutting request. Ms. Kern said that a neighbor, Mr. Wiegel, submitted a letter from the DEEP regarding the possible impact to the red bat, identified as a sensitive species.

Ms. Kern said a year or so ago, Ms. Hayes stopped the property owner from cutting trees on the property prior to the submission of applications to develop the property. This cutting was not done in the wetlands. Ms. Kern said that she believed that the neighbors were concerned with the continuation of the cutting.

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Ms. Werner asked how many and what kind of trees were being cut. Mr. Wyrick said that they hired a soil scientist to come in and mark the wetland as there was no other map that showed it. He believes that this area is a man-made drainage area. There are no trees being cut in the wetland areas.

Ms. Long, property owner, said that they hired an arborist to identify the wetland regulated area. Once they saw the result, they stopped cutting and applied for a permit. Mr. Mathew Johnson, arborist, explained that they identified trees that were split, in decay or were dangerous. There are approximately 28 trees that need to be removed that are in the regulated area.

Ms. Werner asked that Ms. Kern visit the site. Mr. Johnson said that he had visited the site and believes that there are some trees that were cut within 100' of the regulated area. It appears to him that the tree cutting was done to get a view of Hatch Pond, which would not actually provide a view based on the remaining trees.

Ms. Werner asked how many trees were cut in the regulated area and Mr. Johnson replied that it looked like 6 or so. Ms. Werner asked if the trees were dead and Ms. Long said that some were.

Mr. Yagid asked what "special methods" meant. Mr. Wyrick said that they would be hand cut and taken out with a tracked backhoe. The stumps would remain and the removal will be done in the dry time.

Ms. Long shared her planting plan and Ms. Werner said that all plants should be native. Ms. Long said that was her plan. Ms. Smith said that it was a good list of natives.

It was decided that the Commission visit the site.

Mr. Vaudreuil, property owner, explained that the drainage gulch picks up water coming from the wetland to the southwest of this property.

Mr. Wyrick asked for confirmation on what information needs to be added to the site plan. It was decided that the indication of the regulated area will be added to the site plan after the Commission's visit. Ms. Smith also noted that vernal pools were mentioned in the DEEP letter. This will be looked at during the site visit.

Ms. Werner asked about the DEEP issue with the red bat. Ms. Kern said that this information was just received this morning and she has not had an opportunity to do the proper research.

Mr. Weigel, adjoining property owner, was present and he said he would have spoken earlier but wanted to abide by the Commission's process. He did ask the arborist to stop the work until a determination was made by the Commission. He believes there will be erosion and challenges from the loss of the canopy. Mr. Weigel said that the area is a designated area for the red bats and the amount of work that had been done has created an impact to the environment.

Ms. Werner said that they can only legally address damage to the wetland areas. She continued that Ms. Kern will work with the DEEP on the red bat issue and the Commission will be looking at the impact to the wetlands.

*Mr. Yagid moved to continue Application # 1312-23, Lydia Long (Wesley Wyrick, Agent), 14 Highland Road, Map 5, Block 12, Lot 87, tree cutting in regulated area to the next regular meeting with a special meeting site walk to be held before then. Mr. Johnson seconded and the motion carried unanimously.*

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**5.D.** Application # 1313-23, John Gleason (Michael Gawel, Agent), 12 Halls Lane, Map 9, Block 22, Lot 43, removal of invasives, dredge pond, regrade and stabilize area.

Ms. Kern reported that the application contains clear information on the phragmite locations, but would look for more information on replanting.

Mr. Gawel said that the lawn was created to the edge of the pond, but the phragmites have taken over the area. The property owner can no longer maintain that area due to the wetness. In addition to the phragmites, there are sink holes which could possibly have come from rotting trees. The proposal would be to dredge the pond, and getting rid of the phragmites. The pond itself is not deep and the hope is that it be around 6'. Currently the pond is between 3' and 4' deep. The spoils will be placed on the lower area which would be graded and pitched toward the pond. The top soil along the front of the pond would be stripped, the spoils from the pond will be deposited and the top soil will be redeposited.

Ms. Smith asked that Mr. Gawel be careful of the phragmites on the island in the pond. Mr. Gawel said that he would be. He said that he would like to pump the water to the existing drain pipe, but he would have to cut some of the underbrush. Once the pond is lowered, he could get a better handle on what the island is made of.

Ms. Werner asked what would be planted around the pond. Mr. Gawel said that it would be grass since that was what was there. Ms. Werner asked if something else should be planted there. Ms. Smith said that leaving the grass and mowing it will help to eliminate the spread of the phragmites. Mr. Gawel said that the plan would be to burn the phragmites, but asked if the Commission had a different idea. Ms. Smith said that the phragmites should be cut before they flower. Mr. Gawel asked if the Commission would like to do a site walk.

Mr. Gawel said that there is a maple tree on the corner of the property that might impact the grading and he asked that the Commission look at it to determine if it should be taken down. Ms. Smith said that she will take a look at the tree and did not think that a 2' ditch for the removal of the phragmites would be deep enough and based on information found on line, the best depth for removal of the roots was reported at 6'. After additional research, Ms. Smith said that she is now leaning towards burning the top and burying the roots. She will do more research.

Mr. Gawel said that he will be putting up the silt fence around the pond after the dredging. The spoils pile will have silt fencing.

Mr. Berg, a neighbor of the Gleason's, said that he has a similar problem and asked if the phragmites spread through seeds. Their pond is small enough that he can get close enough to the phragmites and weed whack them. Ms. Werner said that removing the invasives works best when other, beneficial plants are planted.

It was decided that Ms. Kern schedule a site walk sometime after 4:30 p.m. on any day other than Tuesday.

*Mr. Smith moved to continue Application # 1313-23, John Gleason (Michael Gawel, Agent), 12 Halls Lane, Map 9, Block 22, Lot 43, removal of invasives, dredge pond, regrade and stabilize area to the next regular meeting with a site walk to be held before. Mr. Johnson seconded and the motion carried unanimously.*

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**5.E.** Application # 1314-23, Rob Zombie (Frank Monteleone, Agent), 19 Cobble Rd, Map 9, Block 22, Lot 90, demo of barn and guest house within wetland area.

Ms. Kern reported that there are two structures that are proposed to be demolished and one structure is approximately 20' from Cobble Brook. The applicant was not present to answer any questions. Ms. Kern did not know what the plans were after the demolition.

Ms. Smith said that this property is close to the Historic District, but is not part of it. Ms. Werner said that the Commission will need to know why they are planning this work. Mr. Johnson asked if they were historical structures. Ms. Kern said that they would have to go through the Demolition Delay Ordinance before the demolition if that were the case. Ms. Werner said that removing the structure and allowing the area to return to its natural state would be beneficial to the brook.

Ms. Kern said that she was concerned about how the machinery will be accessing the structure closest to the brook and how the concrete slab will be removed. The structure closest to Cobble Road has a dirt floor.

Ms. Smith said that she would like to get into the building before the demolition in order to document its history.

*Mr. Yagid moved to continue Application # 1314-23, Rob Zombie (Frank Monteleone, Agent), 19 Cobble Rd, Map 9, Block 22, Lot 90, demo of barn and guest house within wetland area. Mr. Johnson seconded and the motion carried unanimously.*

**5.F.** Application # 1315-23, Kent School (Daniel Robertson, Artis Energy), Schaghticoke Rd., installation of 2 EV Charging Stations within the regulated area

Ms. Kern explained the application. When asked what parking lot this was planned for, Mr. Robertson of Artis Energy, said the proposed location is the parking lot on the west side of Schaghticoke Rd., close to the Facilities Office building.

Mr. Johnson asked how the work will be done. Mr. Robertson replied that there will be minor excavation in order to connect it to the existing power box. It is approximately 78' – 80' from the Housatonic River.

Ms. Kern said that she had no issues; the applicant has received permission from the Housatonic River Commission; and, they are outside of the Floodplain.

*Ms. Smith moved to continue Application # 1315-23, Kent School (Daniel Robertson, Artis Energy), Schaghticoke Rd., installation of 2 EV Charging Stations within the regulated area. Mr. Johnson seconded and the motion carried unanimously.*

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**6. COMMUNICATIONS TO THE COMMISSION**

**A. WRITTEN**

No action taken.

**B. VERBAL**

No action taken.

**7. ADJOURNMENT**

*Mr. Johnson moved to adjourn at 8:45 p.m. Ms. Smith seconded and the motion carried unanimously.*

Respectfully submitted,

*Donna M. Hayes*

Donna M. Hayes  
Assistant Land Use Administrator