

TOWN OF KENT INLAND WETLANDS COMMISSION

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RECEIVED

By Darlene Brady at 2:58 pm, Dec 20, 2022

REGULAR MEETING MINUTES

The Inland Wetlands Commission held a regular meeting on Monday, December 19, 2022 via zoom 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, Marge Smith, Paul Yagid

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

3. READING OF MINUTES OF PREVIOUS MEETINGS

3.A. Regular Meeting Minutes, November 29, 2022.

Ms. Smith asked that “Scott” on the bottom of page 1 be further defined. Mr. Personatti, with Arbor Services said that he is the “Scott” referred to on the bottom of page 1.

Mr. Yagid asked that “ash” be added to the bottom on page 2 to further define “trees”.

Ms. Smith moved to approve the Regular Meeting Minutes, November 29, 2022 as corrected. Mr. Yagid seconded and the motion carried unanimously.

4. NEW BUSINESS

4.A. Application 1300-22. Carrie Trowbridge & Fernando Cela Diaz, 445 Segar Mountain Rd., Map 15, Block 22, Lot 70, tree removal and extension of boardwalk within wetland area.

Ms. Trowbridge was present to address the Commission. She explained that there is a very large ash tree that is almost dead located just outside of the regulated area. She would like to have it removed due to its height and the fact that it is almost dead. Ms. Trowbridge continued that there are others that are within the regulated area that are diseased and should also be removed. Ms. Werner asked how close the trees

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were to the lake. Ms. Trowbridge replied that the one closest to the lake was approximately 125' from the lake. Ms. Werner asked what the grade to the lake was. Ms. Trowbridge said that she is not sure what the grade was, but it is not flat. Ms. Werner noted that there is no topography on the site plan. Ms. Werner asked if the arborists were going to drive or walk down to the site. Mr. Yagid said that the quote from the arborist said that they will be using an excavator and that the trees would be chipped. He asked how that will be accomplished and stressed that using a machine with a track as opposed to a tire would cause less disturbance to the area. Ms. Trowbridge added that the arborists would use ropes to lower the tree to the ground and the tree would be accessed via an already existing pathway. With regard to the second tree, they will be using equipment on their lawn, outside of the regulated area.

Mr. Dietz asked where the chipped material will be stored on the property. Ms. Trowbridge said that the chipped material will be removed from the property and that a majority of the cut trees will be used for personal firewood.

Ms. Werner asked Ms. Trowbridge to provide information on how the trees will be moved on the property and how they will be removing the chipped material. Mr. Yagid said that he would like more information on whether or not they will be dropping the tree and cutting it there or dropping the tree and removing it from the wetlands before cutting it.

Ms. Trowbridge said that part 2 of the application would be to create an offshoot of the existing boardwalk along the shoreline using the same process that was done to create the first boardwalk. They will be able to use some of the existing boards from the first boardwalk but might need to add some new additional boards.

Ms. Werner asked if they would be going into the actual wetlands. Ms. Trowbridge replied that the existing boardwalk crosses the actual wetland area in order to access the lake but this shoot off will be going parallel to the wetland, not actually in the wetland. Mr. Yagid asked how long this off shoot would be and Ms. Trowbridge said about 165' long. Ms. Werner asked for the actual distance of the boardwalk as well as how far from the wetland it would be built. Ms. Smith asked that the map be updated to show the existing boardwalk be marked as "existing" with the date. Ms. Werner said that the topography will need to be indicated as well so that the Commission can have an idea if any cuts need to be made to put in the new boardwalk. Ms. Kern will contact Ms. Trowbridge to set up a site walk and will discuss what will need to be added to the map. Mr. Yagid asked that clarification be provided for the tree cutting as well as the location of a staging area.

Mr. Deitz moved to table Application 1300-22. Carrie Trowbridge & Fernando Cela Diaz, 445 Segar Mountain Rd., Map 15, Block 22, Lot 70, tree removal and extension of boardwalk within wetland area. Mr. Yagid seconded and the motion carried unanimously.

5. OLD BUSINESS

- 5.A.** Application # 1298-22, Arbor Services for Phillip Korsant, 145 Carter Rd, Map 14 Block 21 Lot 34, removal of approximately 80 trees within regulated area.

Ms. Werner noted that additional information had been provided by the applicant and asked if there was anything to be added. Mr. Personatti said that a new map was provided which further indicates the trees to be removed.

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Mr. Yagid moved to approve Application #1298-22, Arbor Services for Phillip Korsant, 145 Carter Rd, Map 14 Block 21 Lot 34, removal of approximately 80 trees within regulated area. Ms. Smith seconded and the motion carried unanimously.

- 5.B.** Application # 1299-22, Ashley & Ryan Williams, 6 Camps Rd., Map 17 Block 30 Lot 1, pond dredging and replacement of outlet pipe.

Ms. Kern told the Commission that the applicant had provided the location of the stockpile area as requested by them at the previous meeting. She had no issue with its location.

Ms. Smith moved to approve Application # 1299-22, Ashley & Ryan Williams, 6 Camps Rd., Map 17 Block 30 Lot 1, pond dredging and replacement of outlet pipe with the additional information on the map. Mr. Deitz seconded and the motion carried unanimously.

6. COMMUNICATIONS TO THE COMMISSION

A. WRITTEN

6.A.1. Budget July- October 2022

Documentation was received; there was no comment.

6.A.2 Bylaws Review per Section VI

Ms. Kern explained that this is the annual approval of the Bylaws and reminded the Commission that they should have also elected a Secretary as required by the Bylaws. It was decided to keep the position but Ms. Werner suggested changing it to read “may” instead of “shall”.

It was noted that the consistency of “he/she” and “Chairman” should be shown throughout the Bylaw.

Mr. Yagid moved to table Bylaws Review to the next regular meeting. Mr. Deitz seconded and the motion carried unanimously.

B. VERBAL

6.B.1 Ross Cole, 23 Stonewall Lane, Pre-application Review

Ms. Kern explained that Mr. Cole came forward and requested this pre-application review before going into further site design. She said that there are wetlands, conservation easements, and driveway issues that will impact the site.

Mr. Cole said that they have a contract to purchase the site. The site is divided into two areas by a brook. The area that is most promising would need to be accessed by crossing the brook. He continued that there was a culvert installed prior to 2004 and asked if the installation of another would be acceptable to the Commission. Ms. Werner said that a bridge is preferred over a culvert due to such items as flooding issues and movement of wildlife.

Ms. Werner advised Mr. Cole that the Commission can only react to what is presented and not guide the applicant on what to design. Ms. Werner said that fish friendly culverts are typically more expensive to

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maintain due to increased maintenance. Mr. Yagid asked if the brook runs consistently and Mr. Cole said that it is not running all the time and there is barely a stream bed; the brook itself is only 2 – 3' wide.

Ms. Werner asked why the brook is not consistently shown on the map. Mr. Cole replied that where there is no indication of the brook, that means that the area is flat and the brook is not running in that area. Ms. Werner asked if the house is located fully within the regulated areas. Mr. Cole said that the house is located outside of the regulated areas.

Mr. Cole thanked the Commission for their guidance and said that he is just in the very early stages of planning and will touch base with the organizations mentioned during the conversation. The Commission was not opposed to another pre-application discussion in the future.

6.B.2 Election of Secretary for 2023

See the discussion under 6.A.2.

Ms. Kern told the Commission that she was advised of a violation at a piece of property on the corner of Route 341 and South Road this afternoon. She went up and took pictures which are in the public meeting folder for the Commission's review. Ms. Kern investigated the site, and during her initial conversation with the homeowner, told her that the work must stop; proper silt fencing would need to be installed; and an application submitted for the work. On her way home, Ms. Kern viewed the site and noted that the work was completed since her initial conversation and direction and stop work. Additionally, erosion control was not in place as directed. This work consisted of the creation of a small boulder retaining wall created with excavator and deposit of soils trucked into the site. The activity took place approximate 50 feet from the pond. There was damage to the lawn area by the machinery. Ms. Kern said that she would issue a Notice of Violation requiring an after the fact application, stabilization of the area and the installation of silt fencing. Mr. Yagid suggested lodging a complaint with the Better Business Bureau against the business who did the work.

It was decided after discussion that Ms. Kern file a Cease and Desist Order since it was unknown whether or not the work had actually been completed and that the C&DO include a date for when the area is required to be stabilized. Ms. Kern said that she would do that and then contact the Commission to schedule the special show cause meeting.

The Commission asked Ms. Kern to look back into the files with regard to a fining proposal that was created years ago and never implemented.

7. ADJOURNMENT

Ms. Smith moved to adjourn at 8:36 p.m. Mr. Deitz seconded and the motion carried unanimously.

Respectfully submitted,

Donna M. Hayes
Donna M. Hayes, CZEO
Assistant Land Use Administrator

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