

TOWN OF KENT INLAND WETLANDS COMMISSION

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RECEIVED

By Darlene Brady at 2:36 pm, Aug 24, 2022

REGULAR MEETING MINUTES

The Inland Wetlands Commission held a regular meeting via zoom on Monday, August 22, 2022, beginning at 7:00 p.m.

1. CALL TO ORDER

Ms. Werner called the meeting to order at 7:01 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES, IF REQUIRED

Commissioners Present: Lynn Werner, Chairman, Ken Deitz (7:09 p.m.), Ken Johnson, Marge Smith, Paul Yagid

Staff Present: Donna M. Hayes, LUA

Ms. Hayes asked that agenda item #3.C. be added to the agenda.

Ms. Smith moved to add agenda item 3.C. Mr. Yagid seconded and the motion carried unanimously.

3. READING OF MINUTES OF PREVIOUS MEETINGS

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

Ms. Smith asked that the following changes be made: on page 5, middle of the second paragraph, change "...sense of timing due to hectic her schedule." to "... sense of timing due to her hectic schedule."; and also on page 5, the word "item" should be added after the word "agenda" at the end of the third paragraph.

Mr. Yagid moved to approve the Regular Meeting Minutes, July 25, 2022, with the corrections noted. Mr. Johnson seconded and the motion carried unanimously.

3.B. Special Meeting Minutes, July 19, 2022.

Ms. Smith moved to approve the Special Meeting Minutes, July 19, 2022, as presented. Mr. Johnson seconded and the motion carried unanimously.

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3.C. Special Meeting Minutes, August 17, 2022, Planning and Zoning and Inland Wetlands Hiring Sub-Committee.

Mr. Yagid moved to approve the Special Meeting Minutes, August 17, 2022, Planning and Zoning and Inland Wetlands Hiring Sub-Committee as presented. Ms. Werner seconded and the motion carried unanimously.

4. NEW BUSINESS

4.A. Application #1287-22, Wyrick Associates for Nataliya and Aleksey Novikova, 0 Stonewall Lane, Map 14, Block 22 Lot 30, construction of new single-family dwelling, septic, driveway extension and associated site work in regulated area.

Mr. Yagid asked if this was the lot across the bridge at the end of Stonewall and Mr. Wyrick said that it was.

Ms. Hayes shared Mr. Brain Neff's septic plan since that contains the 200' setback from the stream located in easement area. Mr. Wyrick said that the entire septic system is located within the setback area. He said that the house is positioned toward the front of the lot since the back of lot has an increased elevation. With regard to tree removal, the only trees that will be removed were in the location of the septic system and the house and the trees removed will be minimal in size. Mr. Wyrick advised the Commission that Torrington Area Health District has approved the application.

Mr. Johnson asked about the elevation from the septic to the brook. Mr. Wyrick said that it appears to be about a 20' change.

Ms. Werner asked if the Northwest Connecticut Land Conservancy would need to approve this application. Ms. Hayes replied yes and advised the Commission that she had sent over the information for their review and approval.

Mr. Wyrick pointed out that the bridge is existing and that is not part of this application. Ms. Hayes added that it is a driveway extension.

Ms. Werner asked about the proposed future drive court. She asked that it be further defined on Mr. Neff's plan since there was some confusion about where the proposed new driveway would end and the proposed future drive court began. Mr. Wyrick referred the Commission to the site plan he created which shows a better definition of where the driveway ends and the proposed future drive court begins. Mr. Yagid pointed out that Mr. Wyrick's plan also shows the location of the existing bridge. Ms. Werner asked that the existing driveway and bridge be included on one consistent plan.

Ms. Werner asked if there were any questions from the Commission and Mr. Yagid said that he is familiar with this piece of property and the design and septic design makes sense to him. Ms. Hayes verified that the silt fencing would remain in place during the construction of the house as well as the installation of the septic.

Mr. Johnson asked why the septic system was not placed to the right of the house. Mr. Wyrick said that TAHD had tested and he believes that area contains ledge. Ms. Werner said it would be helpful to have Mr. Neff answers these questions and Mr. Wyrick responded that he would have Mr. Neff attend the next meeting.

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Mr. Dietz asked if there was a reason why the house and septic were not placed in the areas of the proposed pool, barn and courtyard. Ms. Werner replied that she thought it was the steepness of the slope and that the current locations had the least trees. She continued that would be a good conversation to have with Mr. Neff. Mr. Yagid said that the location of the septic is based on the testing and there is ledge in the area.

Mr. Yagid moved to continue Application #1287-22, Wyrick Associates for Nataliya and Aleksey Novikova, 0 Stonewall Lane, Map 14, Block 22 Lot 30, construction of new single-family dwelling, septic, driveway extension and associated site work in regulated area to the next regular meeting. Mr. Johnson seconded and the motion carried unanimously.

4.B. Application #1289-22Sub, Tom Willis for High Watch Recovery Center, 25 Carter Road, Map 14 Block 21 Lot 16, subdivision of existing lot into 3 total lots.

Mr. Willis was not present to speak with the Commission. Mr. Jeremy Spath, from Stuart Somers Company, was present in place of Mr. John Mack, the engineer that created the plans. He explained that Mr. Mack was on vacation and he was asked to sit in and report back.

Ms. Werner explained that this was considered a subdivision due to the creation of two additional lots at 25 Carter Road. Mr. Spath said that there was a small area of wetlands that had been identified by the soil scientist but it had not been located in the field; therefore, its distance to the property line and the shared driveway could not be determined. It was hoped that this information would be obtained in the field in subsequent weeks. As the Commission reviewed the site plan, it was noted that the site plan was very hard to read especially the area of the shared driveway.

Mr. Dietz pointed out that, based on the elevation lines, there seemed to be an area on the northern side of lot #2 that could possibly be wetlands or some sort of intermittent watercourse. The Commission asked that that area be investigated.

The Commission asked that the following information be included on the site plans: add the location and identification of the wetland on Lot #1; mark the wetland boundary from that area; indicate whether or not the wetland area on Lot #1 was/could be a vernal pool; review the area on the northern side of Lot #2 to determine if there are any wetland/intermittent watercourses; and add a location map showing the subdivision's location in regard to Kent Falls Brook and Duggan Road.

Mr. Johnson moved to table Application #1289-22Sub, Tom Willis for High Watch Recovery Center, 25 Carter Road, Map 14 Block 21 Lot 16, subdivision of existing lot into 3 total lots. Ms. Smith seconded and the motion carried unanimously.

4.C. Application 1290-22, Chris Pierzga for Daniel J. Greenbaum and Jill Scholsohn, 30 Kenmont Road, Map 16 Block 22 Lot 3, repair piers under accessory dwelling unit due to decay.

Mr. Pierzga was not present and Ms. Hayes explained that the application was for the repair of piers under the structure located closest to the lake. The Commission looked at the information that was presented and determined that there was not sufficient information to determine the scope of work and questioned whether or not this could even be considered a completed application. At this point in time, Mr. Greenbaum joined the meeting but he stated via chat that he could not hear anything that was being said.

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Via chat, Mr. Greenbaum said that he had not discussed this with his builder or engineer and would not be able to answer any questions on the proposed work.

It was decided that the Commission would accept the application but asked that the following questions be answered and information be presented prior to the next meeting: 1) Exactly what is the work that is being proposed and what are the steps under which the work will be performed; 2) How is the lake going to be protected while this work is being performed; and 3) Where is the site plan showing the lake, the property and the location of the structure on the property. Ms. Hayes said that she would send these questions to the applicant as well as the property owner.

Mr. Yagid moved to continue Application 1290-22, Chris Pierzga for Daniel J. Greenbaum and Jill Scholsohn, 30 Kenmont Road, Map 16 Block 22 Lot 3, repair piers under accessory dwelling unit due to decay until the next regular meeting. Ms. Smith seconded and the motion carried unanimously.

5. OLD BUSINESS

- 5.A.** Application #1282-22, Carl Raab, 56 South Road, Map 10 Block 40 Lot 46, excavation to create small pond; use existing stone to retain banks and landscaping.

Ms. Hayes advised the Commission that she had received a reply from Ms. Rabinowitz to the questions the Commission had asked at the last meeting. Ms. Rabinowitz wrote that her opinion is that there was not sufficient water to support a pond and felt that a better course of action would be to restore the existing wetland to its original state.

Mr. Raab agreed with Ms. Rabinowitz' opinion and said that the last thing he wanted to do was to harm the existing wetland and if there was a possibility that the pond would dry out, it would do more harm than good.

Ms. Werner thanked Mr. Raab for his dedication to the wetlands on his property.

Ms. Smith moved to accept the withdrawal of Application #1282-22, Carl Raab, 56 South Road, Map 10 Block 40 Lot 46, excavation to create small pond; use existing stone to retain banks and landscaping. Mr. Yagid seconded and the motion carried unanimously.

- 5.B.** Application #1285-22, Dan and Sheryll Robb, 273 Kent Road, Map 6 Block 12 Lot 3, construction of 26' x 20' detached garage with electrical service and minor changes to paved driveway.

Ms. Hayes advised the Commission that she had done the site walk with the property owner and Bart Clark, their engineer. She explained that the garage will be built in a similar design to the existing house which has 3' overhangs. During the site visit she asked that no gutters or down spouts be added to the new garage letting the water shed off the roofline onto small riprap that should be placed along the foundation. The property owner agreed. Other than that, Ms. Hayes had no other recommendations. There were no other questions from the Commission.

Ms. Smith moved to approve Application #1285-22, Dan and Sheryll Robb, 273 Kent Road, Map 6 Block 12 Lot 3, construction of 26' x 20' detached garage with electrical service and minor changes to paved driveway. Mr. Johnson seconded and the motion carried unanimously.

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5.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.

New information had been submitted to Ms. Hayes at 3:44 p.m. on the date of the meeting. She told the Commission that it was placed in the meeting folder but did not have time to send it out since she was preparing for attendance at a 4:00 p.m. meeting as well as the 7:00 p.m. Inland Wetlands meeting. Ms. Werner said that she had no time to review any of the information and asked that this be continued to the next meeting.

Mr. Greenbaum objected and asked that the Commission issue a Notice of Violation. Ms. Werner replied that the Commission is still in the process of trying to determine if a violation had occurred and that the Commission would need time to review the new information that had been submitted just prior to the meeting.

The Commission all felt that they did not have time to review the information and agreed to table the discussion to the next meeting. Mr. Greenbaum responded that he would not be present and would see the Commission in two months.

6. COMMUNICATIONS TO THE COMMISSION

A. WRITTEN

No action taken.

B. VERBAL

Ms. Werner advised the Commission that she and Mr. Yagid were part of the Planning and Zoning and Inland Wetlands Commission Hiring Sub-Committee along with Alice Hicks, Darrell Cherniske and Wes Wyrick. The sub-committee met on Wednesday, August 17th where they interviewed two candidates for the Land Use Administrator position. After the interviews, a motion was made and unanimously passed to offer the position to Tai Kern. Ms. Kern had been the Part Time Land Use Clerk for 4 years before moving on to a full-time enforcement position and most recently the Land Use Director position with Southbury. The anticipated start date will be September 6th.

7. ADJOURNMENT

Mr. Yagid moved to adjourn at 8:18 p.m. Mr. Johnson seconded the motion carried unanimously.

Respectfully submitted,

Donna M. Hayes

Donna M. Hayes, CEO
Land Use Administrator

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