

TOWN OF KENT INLAND WETLANDS COMMISSION

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RECEIVED

By Darlene Brady at 9:04 am, Dec 26, 2023

REGULAR MEETING MINUTES

The Inland Wetlands Commission held a regular meeting on Monday, December 18, 2023, beginning at 7:00 p.m. via zoom.

1. CALL TO ORDER

Ms. Werner called the meeting to order at

2. ROLL CALL AND APPOINTMENT OF ALTERNATES, IF REQUIRED

Commissioners Present: Lynn Werner, Chairman; Ken Deitz, Jeff Galusha, 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 elevate Jeff Galusha to voting status. Mr. Yagid seconded and the motion carried unanimously.

Mr. Yagid moved to add agenda item 5.D. to the agenda. Mr. Johnson seconded and the motion carried unanimously.

3. READING OF MINUTES OF PREVIOUS MEETINGS

3.A. Regular Meeting Minutes November 27, 2023.

Ms. Smith moved to approve the Regular Meeting Minutes of November 27, 2023. Mr. Johnson seconded and the motion carried unanimously.

3.B. Special Meeting Minutes December 4, 2023

Ms. Smith pointed out that on page 2, 4th full paragraph, 1st sentence, the letter “a” should be changed to the word “and”. In addition, Ms. Smith did not understand the wording “while they” in the same sentence. Mr. Yagid suggested that “while they” be changed to “while the owners...”.

Ms. Smith moved to approve the Special Meeting Minutes December 4, 2023 with the suggested changes. Mr. Yagid seconded and the motion carried unanimously.

Kent Inland Wetlands Regular Minutes 12/18/2023

These are draft minutes and reflect a summary of discussions and relative motions. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

4. OLD BUSINESS

- 4.A.** Application #1334-23, Kent Land Trust (Michael Benjamin, agent), 168/170 Kent Rd., Map 5, Block 10, Lot 49, viewing deck and parking area within regulated area.

Ms. Werner reminded the Commission that this application was discussed at the last meeting and no additional information was required. Ms. Kern advised the Commission that the Kent Land Trust had received approval from First Light, Housatonic River Commission and the Planning & Zoning Commission.

Mr. Yagid moved to approve Application #1334-23, Kent Land Trust (Michael Benjamin, agent), 168/170 Kent Rd., Map 5, Block 10, Lot 49, viewing deck and parking area within regulated area. Mr. Johnson seconded and the motion carried unanimously.

5. NEW BUSINESS

- 5.A.** Application #1335-23, Steven Abbate, 99B Cobble Rd., Map 10, Block 22, Lot 2, new driveway bridge crossing.

Ms. Kern explained that the application was for the replacement of an undersized culvert and the existing bridge. Ms. Kern said that additional information was still rolling in this afternoon and the full plans were not available. It was noted that the area of disturbance was missing from the original application and that some changes had been made to the application which Ms. Kern had not been able to review.

Mr. Abbate commented that one of the changes was to decrease the span of the bridge from 43' to 40'. Mr. Archer, engineer, explained the project along with the most recent changes. The reduction of the span was due to the availability of the steel. As a result, the buttress walls might be 3' deeper. Wing walls were added to eliminate the need to lose any of the driveway. Ms. Smith drove past the driveway and feels that this is a good remedy and the wing walls will keep the driveway from washing into the brook.

Ms. Werner asked about sediment and erosion control measures and noted that they are not on the plan, but will be added. Mr. Gawel said that they would like to do the work as soon as possible as there is flooding occurring now. There will be some work in the brook because they have to remove the existing pipe. Hay bales will be placed along the brook once the pipe is removed. Ms. Werner asked that silt fencing also be added. Mr. Gawel said that they will need a place to pile the materials that are dug out of the brook. He suggested that they be placed on the driveway.

Mr. Abbate said that they got a letter from the Land Trust giving them permission to remove two trees; one that is down and one that is dying. Ms. Werner asked that they add the trees to be removed and the location of spoils to the site plan. Ms. Kern agreed that the information be added to the plan. Mr. Gawel said that the area near the first tree is now being eroded and he was hoping to add some boulders to prevent that. Mr. Abbate said that the Land Trust does not want the addition of boulders to stop the erosion. Ms. Werner also asked that topography be added to the site plan. Mr. Gawel said that he did not think that plantings would help with the erosion. Ms. Werner asked Mr. Gawel to speak with the Land Trust regarding the boulders and that information can be communicated to the Commission at the next meeting.

Ms. Kern said that she would like to see a sequence of the work. Ms. Werner said that it looks like a good plan, but some things will need to be worked out.

Mr. Johnson asked how much weight the bridge will hold and Mr. Archer said that the bridge is designed to accommodate fire trucks, garbage trucks and large axel vehicles.

Mr. Yagid asked if there was access currently available to the two houses that are located off of this driveway. Mr. Abbate and Ms. Kadakia, the owner of the other property accessible by this driveway, both replied that they can still use the driveway to get in and out.

Ms. Werner asked the Commission if a site walk was necessary; it was determined that none was needed.

Mr. Yagid moved to continue Application #1335-23, Steven Abbate, 99B Cobble Rd., Map 10, Block 22, Lot 2, new driveway bridge crossing to the next regular meeting with the additional information. Mr. Galusha seconded and the motion carried unanimously.

5.B. Election of Officers 2024

After discussion, it was decided that Ms. Werner remain as Chairman; Mr. Yagid would become Vice Chairman; and Ms. Smith would become Secretary.

Mr. Johnson moved to approve the slate of officers as discussed. Mr. Galusha seconded and the motion carried unanimously

5.C. Approval of By-Laws 2024

The Commission reviewed the by-laws and added the following to Article V, Section 4: “In the absence of the Chairman and Vice Chairman, a duly appointed Commission member shall act as the presiding officer.” In addition, the following was added to Article X, Section 5: It shall be made clear to the hearing “participants”... .

Ms. Smith moved to approve the By-Laws 2024 with the discussed changes. Mr. Johnson seconded and the motion carried unanimously.

5.D. Request for Referral: Application SC1-23, Town of Kent (Brown), Skiff Mountain Rd. (529), Map 7, Block 17, Lot 6, Scenic Road Alteration for the removal of trees to meet sight line requirements.

Ms. Kern explained that this had to do with the removal of trees on a scenic roadway and that according to the ordinance a referral needs to be provided to the Planning and Zoning by both the Conservation Commission and the Inland Wetlands Commission. Ms. Werner asked if the Planning and Zoning Commission would be scheduling a public hearing. Ms. Kern said that was correct. What the Inland Wetlands Commission needs to do is to provide a referral.

Ms. Werner said that she understood the need for this referral and asked if Ms. Kern had measured the sight line. Ms. Kern said that Engineer Pat Hackett had provided a site plan showing the sight lines. She continued that the driveway will not meet the sight lines without the removal of the trees. Mr. Yagid asked if the removal of the underbrush would increase the sight lines and eliminate the need for the removal of the trees. Ms. Kern said that the engineer would be the one qualified to make that determination. Ms. Kern read the letter from the engineer which states that the underbrush and the stumps would need to be removed in order to meet the sight lines. Ms. Werner said that if the fact this was a scenic road had been made apparent when the inland wetlands application was submitted for the ADU, they might have looked for a new location of the driveway.

Mr. Yagid said that it’s only 3 trees and a lot of trees will remain. Ms. Smith agreed and added that the brush should be removed. Mr. Galusha said that he felt that it was a public safety issue. Mr. Palumbo said that delimiting

them would not help and he believes that the trees need to be removed for safety reasons. He continued that it is hard to visualize how it will look without the trees. Ms. Smith said that there will be trees remaining and that the loss of those three trees will not be significant. She also agrees with Mr. Galusha that it is a safety concern. Mr. Galusha said that there are a lot of trees that will remain and those that do remain might become healthier with the elimination of the 3.

Ms. Werner asked if the process gives them 35 days to refer to Planning and Zoning and noted that the meeting on January 22nd would be the 35th day. She continued that she would like to hear what the Conservation Commission has to say so that the Commission will have time to possibly change their opinion.

Mr. Yagid moved to make a positive referral to the Planning and Zoning Commission and that, in this particular instance, the request under the Scenic Road Ordinance for the removal of 3 trees and brush seems acceptable provided that the Conservation Commission concurs. Ms. Smith seconded and the motion carried unanimously.

Ms. Werner asked Ms. Kern get back to the Commission once the decision was made by the Conservation Commission.

6. COMMUNICATIONS TO THE COMMISSION

A. WRITTEN

Email from received November 29, 2023

The Commission accepted Mr. Starr's email. Ms. Werner said that it is the Commission's intent to apply the Inland Wetland Watercourse Citation Ordinance fairly.

B. VERBAL

With regard to the new ordinance, Ms. Kern told the Commission that First Selectman Lindenmayer asked the Commission to recommend a citation officer. Ms. Werner asked that the Commission think about it and discuss it further at the next meeting. Some suggestions were Jessie Klingenbiel, Mike Benjamin and Eric Cieplik.

Ms. Hayes informed Ms. Kern and the Commission that she had a phone conversation with Mr. Richichi of 90 Gorham Road regarding the surety bond he was supposed to submit as a result of the work completed on his property without a permit. After discussion, it was decided that Ms. Kern contact Atty. Zizka to find out what the next steps would be if the property owner decided not to submit the surety bond.

7. ADJOURNMENT

Mr. Yagid moved to adjourn at 8:35 p.m. Ms. Smith seconded and the motion carried unanimously.

Respectfully submitted,

Donna M. Hayes

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Assistant Land Use Administrator