

TOWN OF KENT INLAND WETLANDS COMMISSION

**41 Kent Green Boulevard
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Phone (860) 927-4625**

REGULAR MEETING MINUTES

The Inland Wetlands Commission held a regular meeting on Monday, January 22, 2024, beginning at 7:00 p.m. via zoom.

1. CALL TO ORDER

Ms. Werner called the meeting to order at 7:03 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES, IF REQUIRED

Commissioners Present: Lynn Werner, Chairman; Ken Deitz (7:07 p.m.), Jeff Galusha, Ken Johnson, Anthony Palumbo, Paul Yagid

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

Mr. Yagid moved to elevate Mr. Palumbo and Mr. Galusha to voting status. Ms. Werner seconded and the motion carried unanimously.

3. READING OF MINUTES OF PREVIOUS MEETINGS

3.A. Regular Meeting Minutes December 22, 2023.

Mr. Yagid said that under “written correspondence”, he would like to change the word “accepted” to “received”.

Mr. Yagid moved to approve the Regular Meeting Minutes December 22, 2023 as amended. Mr. Galusha seconded and the motion carried unanimously.

Mr. Yagid moved to add items 5.B. and the written communication from Housatonic Herbicide Working Group to the agenda. Mr. Johnson seconded and the motion carried unanimously.

Member Deitz arrived at 7:07 pm and was seated. Alternate Galusha stepped down from voting status.

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4. OLD BUSINESS

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

Ms. Kern said that Mr. Abbate came into the office today and asked that the application be tabled as he was still working to provide information required by the Commission. Ms. Kern said that she did attend a site walk with representatives from DEEP and the conservation holder. Based on the State and Army Corp requirements, there is a possibility that Mr. Abbate will withdraw his application.

Mr. Johnson moved to table Application #1335-23, Steven Abbate, 99B Cobble Rd., Map 10, Block 22, Lot 2, new driveway bridge crossing. Mr. Deitz seconded and the motion carried unanimously.

5. NEW BUSINESS

- 5.A.** Application #1335-24, Karen Pittelman (Michael Baczewski, Agent), 173 Cobble Rd., Map 10, Block 22, Lot 8, removal of invasives and replanting within wetland area.

Mr. Baczewski was present to address the Commission. Ms. Kern said that the application was before them due to the fact that work will be done within a wetland area.

Mr. Baczewski explained that the invasive species will be removed as part 1 of the application. No herbicides or chemicals will be used. They will strategically replace those areas disturbed and will install trees, shrubs and grasses. This will create a beautiful landscape and a habitat for birds. The submitted plan also refers to an area of turf grass that will also be removed and restored with plantings to create a native habitat and increase the natural habitat value. Doing this work will reduce the stormwater velocity and filter the water as it enters Cobble Brook.

Ms. Werner said that she was looking at 2 different maps and wondered exactly where the work will be done. Mr. Baczewski referred her to the first map and noted the second map that shows the contours. The work will be done along the rock wall which runs along Cobble Brook and approximately 50 yards from Cobble Brook. Mr. Baczewski will provide a more accurate distance.

Ms. Werner asked if there was a construction timeline. Mr. Baczewski said that they would look to actually do a first pass of invasive removal in April 2024. Tree planting will be April/May and then they would plant warm weather grasses. He can accommodate a tighter timeline if the Commission wants. Mr. Baczewski said that the material will be sourced from local businesses so that they are already acclimated to the area. Clearing this area will be an ongoing battle and monitoring will continue after the plantings.

Mr. Yagid asked how the invasives will be disposed of. Mr. Baczewski said that they will be removed offsite so that they do not leave seeds behind.

Ms. Werner said that this permit will run for 5 years and that there should not have to be any other permits for this job during the monitoring period.

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Ms. Werner asked for a more articulate description of the work, the sequencing of events and the actual distances to the brook.

Mr. Galusha asked about the mechanical removal. Mr. Baczewski said that mechanical removal would be pruners and actual handwork. They may need to utilize a smaller rubber tire tractor in order to get to the roots.

Mr. Johnson asked about the grass removal. Mr. Baczewski replied that the area is now covered with cold season grasses that are not doing much. The removal of the grass could be done by cutting it very low or by adding hay to keep it from growing. The grasses in the area will not be killed off due to the slope of the area. Erosion controls will be put in place when this work is done along with straw waddles. Mr. Johnson asked how much area will be removed and Mr. Baczewski said that approximately 2600 sq. ft of grassy area will be removed. Mr. Johnson asked what would be planted. Mr. Baczewski said that there will be an understory of native trees, smaller shrubs under them and then an herbaceous layer under that. Ms. Werner asked that the schematic be added to the application for Commission review. Ms. Werner asked if that area will require constant maintenance. Mr. Baczewski said that this will not require any maintenance since their choices are native to this area.

Ms. Werner asked that the outer limits of work be added to the map. Mr. Baczewski said that there will be no open dirt during this process and that minimal mulch will be added after the plantings.

Mr. Yagid asked that Mr. Baczewski provide a planting plan.

Mr. Palumbo asked if there will be any silt fencing. Mr. Baczewski said that they will be using straw waddles. If there is a risk of more runoff, they will add additional erosion controls. They could use sisal netting on the slopes. Ms. Werner asked Mr. Baczewski to add all that information to the plan. Mr. Baczewski said that they could reduce the initial removal of the grass based on the weather.

Mr. Yagid moved to table Application #1335-24, Karen Pittelman (Michael Baczewski, Agent), 173 Cobble Rd., Map 10, Block 22, Lot 8, removal of invasives and replanting within wetland area. Mr. Deitz seconded and the motion carried unanimously.

5.B. Application #1336-24, John Slowik, 111 Geer Mountain Rd., Map 11, Block 40, Lot 60, After the fact driveway drainage within the wetland area.

Ms. Kern said that she was informed that work had been done at the property after the fact. She reminded the Commission that she had visited the property with Ms. Cynthia Rabinowitz of the NWCD this past spring regarding ongoing water issues in the area and she submitted a report on the driveway issue. Due to the recent rain, the property owner started work without a permit.

Ms. Hamilton was present to address the Commission and said that they did the work and did not know they needed to come before the Commission. Ms. Hamilton explained that she has a right of way through property on the south and north side of her property. The driveway caved in and she asked Ms. Murphy on the South side if they could put the discharge pipe into her pond; Ms. Murphy said no because she did not want the chemicals from the north side to enter her pond. Based on Ms. Murphy's decision, the

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Slowiks put in a trench with stones which would be covered with dirt so that the grass could grow in. Ms. Werner thought that maybe a rain garden would be more beneficial.

Ms. Kern said that according to Mr. Slowik's letter, Beatty Construction, Bill Gawel, Brian Neff and Pat Hackett all suggested that a pipe be installed. Ms. Rabinowitz suggested the same but it could only be done with Ms. Murphy's approval. Mr. Yagid said that he understands Ms. Murphy's concern even though the area is no longer being farmed. Ms. Werner said that she would think that there would be a much better solution. Ms. Hamilton said that the trench does not go all the way to the stream, it just ends on the other side of the driveway. Mr. Yagid asked if the trench is on their property and Ms. Hamilton said that she was not sure how wide her driveway was.

Mr. Yagid agreed with Ms. Werner and felt that an engineer needs to be involved. Ms. Werner asked if there was always water in the ditch. Ms. Hamilton said she did not know since the trench was just put in but the trench reduces the amount of water so that it does not go over the driveway.

Ms. Murphy, the neighbor, said that the trees on the northern side of her property are currently very wet and feels that a larger trench would solve the problem.

Ms. Werner said that the property owners need to revisit the information and try to find another way to filter the runoff so that it does not impact the water going into the stream. Ms. Werner asked Ms. Kern what her thoughts were. She said that because it this new she was not sure what the impact would be. When asked how deep the trench was, Mr. Deitz replied that it is 8" to 2' deep and 50' long.

Ms. Hamilton confirmed that she needs to confirm the depth and length of the trench; confirm the size of the pond; how far from the road and stream the trench is located; provide a site plan; reach out to Ms. Cynthia Rabinowitz; and provide a list of native plantings to be placed in the area. Ms. Werner said that Ms. Kern will work with Ms. Hamilton over the next month to make sure that this application is complete for next month's meeting.

Mr. Deitz moved to table Application #1336-24, John Slowik, 111 Geer Mountain Rd., Map 11, Block 40, Lot 60, After the fact driveway drainage within the wetland area. Mr. Yagid seconded and the motion carried unanimously.

6. COMMUNICATIONS TO THE COMMISSION

A. WRITTEN

- 6.A.1.** Letter from Housatonic Railroad Group. It was communicated that the letter was asking for further support from the Commission by contacting Maria Horn and Stephen Harding. Ms. Werner suggested that they possibly send an email to both Ms. Horn and Mr. Harding with a copy of the Commission's initial letter of agreement. Mr. Yagid said that he feels that the Town of Kent needs stronger regulation/protection along the lines of the Massachusetts regulation and thought that including the original support letter was a good idea. Whether or not this type of Commission action was acceptable was brought up and it was decided that Ms. Kern should check with Attorney Zizka to see if this is something they can do. Ms.

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Werner asked if the Board of Selectmen and the Conservation Commission were going to be sending out a letter.

B. VERBAL –

- Citation Hearing Officer Recommendation
- Citation Agent Recommendation

Ms. Kern said that she assumed that she would be the Citation Agent, but the Ordinance states that that person needs to be appointed by the First Selectman who asked for recommendations from this Commission. Ms. Werner said that she would make that recommendation.

With regard to the Citation Hearing Officer recommendation, Mr. Galusha will speak with Mr. Jesse Klingenbiel and Mr. Michael Benjamin to see if either one would be interested in fulfilling that position.

7. ADJOURNMENT

Mr. Yagid moved to adjourn at 8:36 p.m. Mr. Johnson seconded and the motion carried unanimously.

Respectfully submitted,

Donna M. Hayes

Donna M. Hayes
Assistant Land Use Administrator