

TOWN OF KENT INLAND WETLANDS COMMISSION

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RECEIVED

By Darlene Brady at 2:15 pm, Dec 05, 2023

SPECIAL MEETING MINUTES

The Town of Kent Inland Wetlands Commission held a special meeting on Monday, December 4, 2023, beginning at 4:30 p.m. via zoom.

1. CALL TO ORDER

Ms. Werner called the meeting to order at 4:33 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES, IF REQUIRED

Commissioners Present: Lynn Werner, Chairman; Ken Deitz, Ken Johnson, Marge Smith, Paul Yagid

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

3. OLD BUSINESS

- 3.A.** Application #1333-23, Adam Richichi (Sam Sabin, agent), 90 Gorham Rd., Map 15, Block 22, Lot 4, after-the-fact patio and landscaping within regulated area.

Ms. Kern reported that Mr. Sabin, agent for the property owner, provided the bond information along with additional pictures for the file. The proposed bond was estimated to be \$85,000. She continued that her concerns were for the lack of silt fencing and additional erosion control measures. Mr. Yagid asked about the silt fencing. Mr. Sabin said that some of the silt fencing had been removed and that once he saw that, he instructed the contractor to make sure that all silt fencing be reinstalled along with hay. Ms. Werner asked if that was part of the planting plan. Mr. Sabin said that it was.

Ms. Werner asked if Ms. Kern was comfortable with the amount of bond in relation to the planting plan. Ms. Kern said that she hadn't really gotten a chance to review it since it just came in. Mr. Sabin said that the size of the boxwoods would be the driving force behind the cost of the bond. Ms. Werner asked Ms. Smith if she was in agreement with the choice of boxwoods. Ms. Smith replied that they were a good choice. Mr. Sabin shared his screen, showing the planting plan. He explained that he included all the plantings on the terrace and in front of the terrace. The plantings on the border were native trees. Some changes were made to the original planting plan to include native plantings.

Ms. Maria Grace, representing the Northwest Connecticut Land Conservancy and conservation holder, said that they have determined that they are in compliance with the boulders that are placed on the easement line as well as

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with the type of plantings. The only comments the easement holder had was to use more native and non-cultivar type plants in the buffer area. Mr. Sabin said that he would be agreeable with their suggestion. Ms. Werner asked that the planting plan be changed to reflect those changes and that it be sent to Ms. Kern. Mr. Sabin said that he did not think it would change the bonding amount.

Ms. Werner asked how long the silt fencing will remain. Mr. Sabin said that it will remain until the area was stabilized. Ms. Werner asked if possible silt fencing replacement was included in the bonding amount. Mr. Sabin said that it did not. Mr. Sabin said that the maintenance of the silt fencing is usually included in the contract submission but added that he does inspect the silt fencing when he visits the site.

Mr. Johnson asked about the jagged line along with the wetlands area. Mr. Sabin replied that it was the edge of the forested area. Mr. Johnson added that he felt everything had been covered. Mr. Deitz asked about the French drain. Mr. Sabin said that it is along the front of the property. Mr. Deitz said that he was comparing the planting bond to the estimate and it seemed to be in line.

Ms. Werner said that she is not sure that the Commission would have approved this work had the application been submitted before the work was actually done but appreciates the work that Mr. Sabin did in order to come up with the new plan. Mr. Yagid said that he felt that the Commission was pushed up against a wall and forced to make a quick decision without a site walk. Ms. Smith agreed. Mr. Yagid said that the plan was created in October and there was plenty of time for the property owner to come before them providing them with the time necessary to review the proposed work.

Ms. Kern said that the Commission has the option to table this to go ahead and do a site walk and while they have moved in it is not the Inland Wetlands Commission that was holding up the Certificate of Occupancy. Ms. Werner said that no notice of violation was issued. Ms. Kern said that was because this unpermitted work came up when the owner's representative came in for the Certificate of Zoning Compliance. Ms. Werner asked what happened and why this fell through the cracks. Mr. Sabin said that he was focusing on the conservation easements and not looking at the wetland setbacks. Ms. Werner said that their approval was something different and the easement has no bearing on their approval. Mr. Sabin admitted that he did not look at the original permit and did have plenty of time to submit the permit; he just didn't.

Mr. Yagid said that they cannot change the fact that the work is done and there is nothing they can do about that. Ms. Werner said that the Commission could have them remove the work; Mr. Yagid thought that was unfair. He said that it looks like they are trying to work within the guidelines set by the Commission. Mr. Johnson said that any time there is work done by a wetlands, site walks would be very helpful. Ms. Werner agreed. Ms. Smith said that she is concerned about a precedent being set and that their concerns should be on the record stating that this will not ever happen again. Mr. Deitz agreed. Ms. Werner said this is unfortunate and is proud of the how the Commission is handling it. She continued that the Commission will not tolerate this happening again by Mr. Sabin. Mr. Sabin agreed and said that this was a learning lesson for himself. Mr. Deitz said that he did not think this would be something the Commission would have approved had it followed the proper process.

Mr. Yagid said that he wanted to verify that the Commission had agreed with the amount of the bond and asked when the bond would be submitted. Ms. Kern said that the bond will have to be issued before the Certificate of Zoning Compliance is issued. She continued that the Certificate of Zoning Compliance will be temporary until the plantings are done. If the work is not done within the 6 months, the Town will pull the bond and hire someone to do the plantings. Mr. Sabin said that they are living in the house and that they are very motivated to do the work so they can get their Certificate of Occupancy.

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Mr. Yagid moved to approve Application #1333-23, Adam Richichi (Sam Sabin, agent), 90 Gorham Rd., Map 15, Block 22, Lot 4, after-the-fact patio and landscaping within regulated area subject to the requirement that a bond be posted for completion in the spring or 6 months after the issuance of the Temporary Certificate of Compliance. Mr. Smith seconded and the motion carried unanimously.

Ms. Werner thanked the Commission for their care and attention to this application. Mr. Sabin said that he appreciated their dedication and assured them that this would not happen again.

4. ADJOURNMENT

Mr. Johnson moved to adjourn at 5:13 p.m. Ms. Smith seconded and the motion carried unanimously.

Respectfully submitted,

Donna M. Hayes

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Assistant Land Use Administrator

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