

# **TOWN OF KENT INLAND WETLANDS COMMISSION**

**41 Kent Green Boulevard  
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Phone (860) 927-4625 Fax (860) 927-1313**

## **REGULAR MEETING MINUTES**

**The Kent Inland Wetlands Commission held a regular meeting on February 23, 2015 at 7:00 p.m. in the Kent Town Hall, 41 Kent Green Boulevard, Kent, CT.**

### **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; Eric Cieplik, Marge Smith, Paul Yagid

Staff Present: Donna M. Hayes, Land Use Administrator

*Mr. Cieplik moved to add items 6.1. and 7.A.4. to the agenda. Mr. Yagid seconded and the motion carried unanimously.*

### **3. READING OF MINUTES OF PREVIOUS MEETINGS**

A. Special Meeting Minutes, February 4, 2015.

Ms. Smith noted that the word "hear" on the second line of the motion under agenda item 6.1. on page 9 be changed to "hearing".

*Ms. Smith moved to approve the Special Meeting Minutes, February 4, 2015, as amended. Mr. Cieplik seconded and the motion carried unanimously.*

### **4. APPLICATIONS**

No action taken.

### **5. OLD BUSINESS**

- 5.1. Application #1101-15, Janina Kean, President/C.E.O., for High Watch Recovery Center, Inc., 62 Carter Road, construction of 2-story dormitory with associated utilities, site work and geothermal wells, Map 14 Block 22 Lot 7.

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Kent Inland Wetlands Regular Minutes 2/23/15

These are draft minutes. 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.

Mr. Charles Spath, Principle Stuart Somers Company, was present to address the Commission. He explained that at the request of the Commission, they will now be installing hay bales on the downhill side of the drilling sites of the geothermal wells. Ms. Werner asked how deep the wells will be dug and Mr. Spath replied that it will depend on where they hit cool water. Mr. Vincent Roberti, Facilities Director for High Watch Recovery Center, added that the test well will determine the depth of the wells but that they were thinking they will reach a depth of approximately 400'. Ms. Werner asked if the geothermal wells will affect the wetlands. Mr. Roberti replied that it will be a closed loop system and will not affect the wetlands.

Ms. Werner asked if they had enlarged the size of the generator pad and Mr. Spath said that they did enlarge it to 12' x 16' and that it was sized adequately enough to remove the possibility of having to come back before the Commission for a modification to the permit.

Ms. Werner asked if any trees will be coming down and Mr. Spath said that there will be a couple removed. Ms. Werner asked if any of the trees within the wetland will be removed and Mr. Spath replied that some might have to be removed in order to add the wells. Mr. Spath said that the spoils from the drilling of the geothermal wells will have to be cleaned and removed from the site so that the slurry does not run into the wetlands. Usually they dig a depression and put the slurry into that, but being so close to the wetlands they plan on removing it. If they feel that the slurry will overflow the hay bales, they might install a couple of the depressions. Mr. Roberti said that he has a tractor on site and the slurry could be removed. He suggested adding that as a condition of approval.

When asked if the Commission had any other questions, Ms. Hayes informed the Commission that she had a conversation with Ms. Cathy Weber, Torrington Area Health District, regarding the installation of the geothermal wells. Ms. Weber has asked that the Commission's approval be granted contingent upon written approval from both the Torrington Area Health District and the State Health Department. Ms. Hayes asked when the applicant when they planned on starting the project. Mr. Spath replied that they are now in the permitting process to enlarge the septic galleries across the street and for the installation of the geothermal wells. He continued that Ms. Weber was concerned about a possible impact to the quantity of water since they are a public water supply system. Mr. Roberti said that they are looking to start the project sometime in the spring.

*Ms. Smith moved to approve Application #1101-15, Janina Kean, President/C.E.O., for High Watch Recovery Center, Inc., 62 Carter Road, construction of 2-story dormitory with associated utilities, site work and geothermal wells, Map 14 Block 22 Lot 7 with the condition that the slurry from the drilling of the geothermal wells not exceed the height of the hay bales and/or silt fencing and contingent upon written approval from The Torrington Area Health District and the State Department of Health. Mr. Cieplik seconded and the motion carried unanimously.*

- 5.2. Application #1102-15, Concord Construction for John Riney, 109 Flat Rock Road, clearing in a regulated area without a permit; restoration of disturbed area, Map 11 Block 41 Lot 6 & 15.

Ms. Hayes reminded the Commission that this application was the result of a violation that was issued to the property owner. That violation was released at the last meeting as the contractor for the property owner had submitted the application and provided assurance that they would seed the area in the spring based on the planting recommendations that Ms. Hayes had sent them.

*Mr. Cieplik moved to approve Application #1102-15, Concord Construction for John Riney, 109 Flat Rock Road, clearing in a regulated area without a permit; restoration of disturbed area, Map 11 Block 41 Lot 6 & 15. Mr. Yagid seconded and the motion carried unanimously.*

5.3. Application #1099-14F, Adam Osborne for Betty G. Kallstrom, 0 Kent Hollow Road, forestry operation, Map 17 Block 28 Lots 8 & 9.

Ms. Hayes told the Commission that she had a long conversation with Ms. Darcy Winther from the State DEEP on how to handle a forestry application and had read the State Statute regarding forestry operations. The State Statute says that the Commission cannot deny a forestry application unless you do so in conjunction with the head of the State Forestry Department. Ms. Werner asked if that applies to the Towns that regulate forestry operations and Ms. Hayes said that it does. Ms. Werner stated for the record that the Commission was not planning on denying the application. Ms. Hayes continued by saying that there are two applications that, in some cases, need to be considered: the forestry application and a wetlands application if work is being done in the wetlands. Ms. Werner asked if the Commission could have denied the wetlands application and Ms. Hayes said yes. Ms. Smith asked if one superceded the other and both Ms. Werner and Ms. Hayes said no. Ms. Hayes said that during her conversation with Ms. Winther she was advised that the Commission make a jurisdictional ruling as to whether or not an application is needed for wetlands because it is a farming and agricultural use and, therefore, exempt from wetlands. Ms. Werner said that it could be considered that. She continued that just because an application is a farming or agricultural application there is nothing in the state law that allows for deposition or removal, so cutting of trees, putting down a bridge, etc., is still regulated. And they are proposing to do that. Ms. Hayes agreed and said that what could happen, and especially at this time of the year, a lot of the Commissions that regulate the forestry operations will determine that because everything is so frozen, that a wetlands permit is not needed because there will be no damage to the wetlands. Ms. Smith said that if it was spring with the vernal pools, the Commission would still have the right to try and protect that. Ms. Werner asked Mr. Osborne, the applicant, how long this operation would take. Mr. Osborne replied about a month. He continued that he wanted to cut wood in the buffer and if he had known that an IWC permit needed to go along with the timber harvest permit, he would have applied for it. Ms. Werner said that they had been taking forestry applications and issuing a permit and taking into account in the forestry application all wetlands impact and that is not correct. Ms. Werner said that the Commission needs to know that going forward. Ms. Smith said that it makes sense since it is two separate types of regulations and issues. She commented that, especially in this case, the ground is so deeply frozen. Ms. Werner asked Mr. Osborne if he planned on putting a bridge down and he replied no, it would be a pole crossing. Ms. Werner asked for Commission input. Mr. Yagid said that with the ground being in the condition that it is in, the Commission should approve it and if the work is done now there would be minimal impact. Ms. Smith agreed.

There being no discussion, Ms. Werner called for motion addressing a jurisdictional ruling and noting that no work will be done in the wetlands.

*Ms. Smith moved to approve Application #1099-14F, Adam Osborne for Betty G. Kallstrom, 0 Kent Hollow Road, forestry operation, Map 17 Block 28 Lots 8 & 9 and with the understanding that the Commission has waived the need to do a wetlands application because the ground is so thoroughly frozen, the Commission has determined that there will be no damage to the wetland soils and because no work is being proposed in the wetlands.*

During discussion, Ms. Werner asked that the motion be amended by eliminating the word “waived” and inserting “the Commission has determined that there is no inland wetland application needed”. Ms. Hayes recommended that “determined” be replaced with “made a jurisdictional ruling”. Ms. Hayes verified again with Mr. Osborne that no work will be done in the wetlands. He agreed. Before continuing, Ms. Werner asked for a second.

*Mr. Yagid seconded the amended motion.*

Mr. Osborne advised the Commission that he will be using an excavator with grippers that will lift the logs off the ground and put them on the skidder to remove from the area.

*Having no further discussion, Ms. Werner called for a vote which was unanimously given.*

Ms. Hayes asked Mr. Osborne if he had sent out his notices and he said that he had with the exception of the Coolbeths which he planned on hand delivering. Ms. Hayes and Ms. Smith both advised Mr. Osborne to send out the notices via certified mail, return receipt requested. Ms. Hayes also asked Mr. Osborne if he had received the permit and told him that the permit should be put in a sheet protector and put in a place that would be visible to anyone who would be looking for the permit. Mr. Yagid suggested that a copy be displayed instead of the original.

## **6. NEW BUSINESS**

### **6.1. Inland Wetlands Commission's approval of Kent Land Trust's Open Space and Watershed Land Acquisition Grant Application – West Aspetuck Scenic Wetlands**

Ms. Werner advised the Commission that the Kent Land Trust was looking for a letter of approval from the Commission for the submission of an acquisition grant application for the purchase of land along Route 341 and at the outlet of North Spectacle Lake.

With regard to the suggested letter that was presented to the Commission for their signature, Ms. Werner said that she did not think that there was any list of primary areas of concern and that all the wetland areas in Kent are primary areas of concern. She continued that she did not feel comfortable signing the letter stating that and it was suggested that the word "listed" be changed to "considered".

Ms. Werner said that she would also like to change the last sentence of the first paragraph. After discussion it was decided that the sentence read: "Fortunately, much of the land within the Kent portion of that watershed is now protected. Potential development on unprotected parcels is a concern." Ms. Werner also asked that her title be changed from Vice Chair to Chairman.

Ms. Hayes said that she would type the letter up on Town of Kent letterhead and forward it to her for signature. She will then send it along to Mr. Arnold.

*Mr. Cieplik moved to approve the letter to Robert Klee, Commission of the CT Department of Energy and Environmental Protection with the changes as listed in support of the Kent Land Trust application. Mr. Yagid seconded and the motion carried unanimously.*

## **7. COMMUNICATIONS TO THE COMMISSION**

### **A. WRITTEN**

#### **7.A.1. *The Habitat*, Winter 2015.**

No action taken.

#### **7.A.2. CAWS Annual Mtg & Environmental Conference**

Ms. Hayes advised the Commission that she had money in the budget if anyone wanted to attend.

**7.A.3. Town of Kent, Financial Update, July through January, 2015.**

Ms. Hayes advised the Commission that there was nothing major to report and that we will be under budget with regard to the clerk salary line. Ms. Werner asked Ms. Hayes if she had done anything about replacing the previous land use clerk. She replied that she had not advertised it but has someone in mind for the position but needs to talk to them.

**7.A.4. Permit Application for the Use of Pesticides in State Waters – 103 Macedonia Brook Road.**

Ms. Hayes advised the Commission that this was a permit application for a piece of property that the Commission had recently approved an application for an addition to the house. Ms. Hayes said that they were looking to treat for cattails, yellow iris, phragmites and algae. Ms. Werner asked why they would want to eliminate cattails and couldn't they just pull the yellow iris. Ms. Smith said that you really can't pull the yellow iris because it is invasive and will spread its seed. Ms. Werner asked if anyone knew what Chara was and questioned if it really was necessary to get rid of the filamentous algae. The safety of the fish was also questioned. Ms. Hayes said that she could contact Ms. Valerie Bodner and express the Commission's concerns. Ms. Smith questioned about whether or not the pond empties into Macedonia Brook. Mr. Yagid asked that information be provided on the chemicals that are being used so that they could determine what the impact could be.

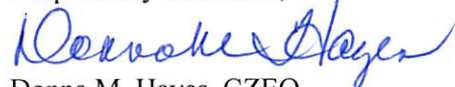
**B. VERBAL**

No action taken.

**8. ADJOURNMENT**

*Ms. Smith moved to adjourn at 7:43 p.m. Mr. Cieplik seconded and the motion carried unanimously.*

Respectfully submitted,



Donna M. Hayes, CZEO  
Land Use Administrator

RECEIVED FOR RECORD  
KENT TOWN CLERK  
2015 FEB 25 P 12:13  
BY Judy Bobba  
KENT TOWN CLERK