

TOWN OF KENT
INLAND WETLANDS COMMISSION
41 Kent Green Boulevard
P.O. Box 678
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MAY 18, 2015 REGULAR MEETING MINUTES

The Town of Kent Inland Wetlands Commission held a regular meeting on Monday, May 18, 2015 at 7:00 p.m. in the Kent Town Hall.

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, Eric Cieplik, Paul Yagid, Rex Newton and Fred Hosterman

Staff Present: Jennifer Calhoun, Land Use Clerk

Mr. Newton moved to add items 7.1 and 7.2 to the agenda. Mr. Cieplik seconded and the motion carried unanimously.

3. READING OF MINUTES OF PREVIOUS MEETINGS:

3.A. Regular Meeting Minutes of April 27, 2015.

Mr. Yagid moved to approve the Regular Meeting Minutes of April 27, 2015, as written. Mr. Cieplik seconded and the motion carried unanimously.

4. VIOLATIONS:

4.1. Notice of Violation #01-15, Preston Mountain Club, 14 Preston Mountain Road, unpermitted site work, Map 3 Block 4 Lot 10

The Commission decided that they would table the violation and keep it open until the application presented by the Preston Mountain Club has been approved.

Mr. Yagid moved to table NOV #01-15. Mr. Cieplik seconded and the motion carried unanimously.

5. APPLICATIONS:

5.1. Application #1105-15, Bruce Schnitzer, Spectacle Ridge Road, driveway and parking area, Map Block Lot.

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Mr. Cieplik made a motion to move application #1105-15 from 7.2 to 5.1 and table the application until the applicant is present at the meeting. Mr. Yagid seconded and the motion carried unanimously.

6. OLD BUSINESS:

- 6.1.** Application #1103-15, Robert Berkley, 223 Fuller Mountain Road, water inlet maintenance and barberry removal, Map 1 Block 8 Lot 31.

A planting plan had been submitted. The Commission accepted the planting plan and had no other concerns.

Mr. Cieplik moved to approve application #1103-15. Mr. Newton seconded and the motion carried unanimously.

- 6.2** Application #1104-15, Preston Mountain Club, 14 Preston Mountain Road, after the fact permit for work done as sited in NOV #01-15, Map 3 Block 4 Lot 10

Nick Yannick was present for the application. It was noted that a letter was never sent from the Land Use Administrator to establish silt fencing on the property. It was also noted that a site walk was never scheduled for the property. Mr. Yannick explained that he removed the multiflora rose on the property and burnt it. He also removed the dead Ash trees and planted grass seed in the disturbed area. He noted that he placed 30 yards of riprap in the culvert to prevent erosion. He stated that the area had looked terrible and they removed trash on the property too.

Mr. Newton stated that the Ash trees that they removed were dead.

Ms. Werner stated that the issue was clear cutting along the stream. She noted that the stone would work as erosion control, but that plants would attenuate what stone cannot do.

Mr. Yannick proposed planting Blue Stem grass in the area. He noted that it was a native grass.

Mr. Newton stated that he thought this activity was considered property maintenance.

Ms. Werner that that the property was clear-cut from road to the stream. Mr. Newton agreed that the applicant had to clean up the junk.

Mr. Yannick wondered if Spruce trees could be placed near the culvert as part of the planting plan. Mr. Hosterman stated that, in his opinion, a sod base would stabilize better than a spruce tree. Sod would control soil erosion.

Ms. Werner stated that the Commission looks for native vegetation in planting plans along wetland areas.

Bill Arnold of the Kent Land Trust, who was in the audience, stated that he had always had luck with alders along wetlands.

Danny Soule, also in the audience, asked where the plantings should be planted, how far back from the culvert, etc. Ms. Werner stated that the Commission is looking for a buffer to the brook with wetlands plants. It was noted that a site walk would need to be scheduled so that the Commission could pin point locations for the native vegetation.

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Ms. Werner wondered whether a silt fence should be installed in the meantime. Mr. Yannick explained the property layout and after Mr. Newton agreed, it was decided that the silt fence was not necessary because of the topography of the site.

A site walk was then scheduled for June 3, 2015 at 6:00 p.m. and that it should be warned for potential action and that Mrs. Hayes should bring a native plant list with her for the applicant.

Mr. Yagid moved to table application #1104-15. Mr. Cieplik seconded and the motion carried unanimously.

- 6.3.** Emily Curtis-Murphy, 1 Anderson Acres, determination of farming exemption, Map 16 Block 24 Lot 16.

The Commission is still waiting for information from the DEEP. No action was taken.

Mr. Cieplik moved to table agenda item 6.3. Mr. Yagid seconded and the motion carried unanimously.

- 6.4.** Executive Session: Legal litigation, Kent Hollow Road.

No action taken.

- 5.1.** Application #1105-15, Bruce Schnitzer, Spectacle Ridge Road, driveway and parking area, Map Block Lot.

David Wilson, Engineer, was present for the application. Mr. Wilson explained that this property was the old Camp Kent property and it still had a Theatre building and Music building on site that the owners still used. The application was for relocating the driveway and parking and letting the old driveway return to grass.

Ms. Werner wondered if any trees would need to be cut for the new driveway and parking area. Mr. Wilson stated that maybe a couple of trees would need to be cut. Ms. Calhoun noted that that should be put on the plan. She also noted that silt fencing was not shown.

Mr. Hosterman questioned why the driveway turn was so large and Mr. Wilson noted that the owner wanted it out of the way.

Ms. Werner noted that it looked as if the vehicles would be parked further away from the wetlands now.

Mr. Hosterman asked about the material for the driveway and Mr. Wilson explained the gravel and geotextile fabric to be used. Mr. Hosterman wondered if there were any other driveway regulations that the applicant needed to follow. Mr. Wilson responded that he would have to meet the Town's zoning requirements.

Ms. Calhoun informed Mr. Wilson that there was a list in the application of items that needed to be added to the plan. Mr. Wilson noted that he would do that and get it to the Commission.

Mr. Yagid moved to table application #1105-15. Mr. Cieplik seconded and the motion carried unanimously.

7. NEW BUSINESS:

- 7.1.** Regular maintenance on Kent Land Trust properties

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Mr. William Arnold from the Kent Land Trust was present for this item on the agenda. He stated that the proposal was not for clear cutting and that it was for habitat restoration. Sometimes the work would occur in the wetlands. They mostly use hand tools and power tools and there is no root disturbance. He stated that he knows if they are to use herbicides that they need a permit from the DEEP. Mr. Arnold continued wondering if this type of activity could be considered a maintenance activity if they send a letter to the Commission each time telling them where and what they would be doing.

Ms. Werner stated that if the letter is sent and the Commission believes it to be more that selective removal of invasive species they may consider it an application. She was concerned that if the Commission let the Kent Land Trust to do this then other property owners would do the same and they could end up with grass right down to the stream in each case. She stated that she would be more comfortable knowing that each time the Kent Land Trust was to start work, they would send a letter to the Commission identifying the type of work to be done.

Mr. Arnold explained the current project they would like to accomplish. He noted that they would like to chop phragmites over a 3-year span. They would like to start right away. Ms. Werner noted her concern about nesting opportunities.

Mr. Newton wondered what the Land Trust was going to do with the chopped phragmites and Mr. Arnold said that they would leave it on the ground. Mr. Arnold continued to explain that they have hired a State approved contractor to chop and mow it for 3 years.

Mr. Yagid wondered if natural grasses would start coming up and Mr. Arnold noted that they should. In his experience once you start removing the invasives, the natives start coming back.

Mr. Arnold noted that this may not be an optimal time to remove the phragmites because of the birds nesting, but they have a terrible situation on their hands and would not want to wait another year to chop the phragmites. He cannot say that no birds would be disturbed, but that it would definitely be minimized.

Mr. Newton noted that it would be a drastic scenic change once the phragmites is chopped down.

Ms. Werner noted her concern for the birds and stated that if they are extensively nesting there, they should not proceed with the chopping.

Mr. Yagid made a motion to accept the activity as described as maintenance and habitat restoration with the protocols described above including no clear cutting and notification to the Commission prior to work being started. Mr. Cieplik seconded and the motion carried unanimously.

8. COMMUNICATIONS TO THE COMMISSION:

A. WRITTEN

8.A.1. Permit Application for the Use of Pesticides in State Waters.

8.A.1.a. Northeast Tree, Pond & Turf Service, Inc, for 36 Muller Road

8.A.1.b. Aquatic Control Technology, for multiple ponds at Rock Cobble Farm

The Commission talked about the locations of the pesticides to be used. Ms. Werner was concerned about the use of pesticides on cattails. Also, Mr. Yagid was concerned that question #16b was not answered regarding copper

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treatment. Ms. Werner stated that she would contact Valerie Bodner from the Pesticide Division of the DEEP and ask her these questions.

8.A.2. DEEP, Municipal Inland Wetlands Agency Continuing Education Workshop: *Legal and Administrative Updates*

The Commission received this document.

8.A.3. *The Habitat*, Spring 2015.

The Commission received this document.

8.A.4. Revised Wetland Mitigation and Drainage Plan, Anderson Acre Farm, LLC, 1 Anderson Acres Road, Map 16 Block 24 Lot 16.

The Commission was satisfied with the updated plan.

B. VERBAL

9. ADJOURNMENT:

Mr. Cieplik moved to adjourn at 8:17 p.m. Mr. Newton seconded and the motion carried unanimously.

Respectfully submitted,

Jennifer Calhoun
Land Use Clerk

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KENT TOWN CLERK
2015 MAY 20 P 12:21
BR Jdc
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