

TOWN OF KENT INLAND WETLANDS COMMISSION

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TOWN CLERK

REGULAR MEETING MINUTES

The Kent Inland Wetlands Commission held a regular meeting on April 27, 2020 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 7:01 p.m. via Zoom.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES, IF REQUIRED

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

Staff Present: Donna Hayes, Land Use Administrator and Tai Kern, Land Use Clerk

3. READING OF MINUTES OF PREVIOUS MEETINGS

3.A. Regular Minutes, February 24, 2020.

It was noted that Tom Kerr was the agent for the Novicks and the spelling of "things" was corrected.

Ms. Smith moved to approve the Regular Minutes of the February 24, 2020 as corrected. Mr. Yagid seconded and the motion carried unanimously.

4. NEW BUSINESS

4.A. Application #1215-20, Suzanne Tanner for Judie Mills, Est., 47 Johnson Road, Map 19 Block 15 Lot 29, construction of exterior decking on south and west sides of existing house.

The group reviewed the materials provided. Mr. Yagid requested a site map showing the location of the property and noting the distances from the disturbed area to the wetland in question. Ms. Tanner reported that the property is slightly sloping and then flattens before it meets the river. The area is currently a blank canvas, but she is hoping to put wild flowers for vegetation. Biagio Lubrano explained that the footings will be dug with an auger and the material dug will be kept by the holes prior to backfilling. Donna Hayes reported that silt fencing is in place. Ms. Tanner will locate the silt fencing on the site map. It was noted that they were uncertain where the steps will be located but would provide the updated information. Ms. Tanner agreed to place 3/4 inch crushed stone under the deck to prevent washout.

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Ms. Smith moved to table application #1215-20, Suzanne Tanner for Judie Mills, Est., 47 Johnson Road, Map 19 Block 15 Lot 29, construction of exterior decking on south and west sides of existing house. Mr. Yagid seconded and the motion carried unanimously.

- 4.B.** Application #1217-20, Brian Neff for Bradley Bernstein for Kent Hollow Straight, LLC, Map 17 Block 32 Lot 31, construction of: rain garden; new driveway entry gate; new driveway walls and pillars for gate access; approximately 170' of new driveway; and, selective thinning of trees in the regulated area. All work being done in conjunction with construction of a new single-family dwelling and related site work.

Brian Neff was present and explained that most of the regulated activity is limited to the driveway area. They tried to stay away from the regulated area as much as possible in this plan; however, it was impossible in the driveway area as there is only one way to access the site. There is an existing barn and house on the site, both of which will be demolished. The proposed new dwelling will be outside the regulated area. There will be no clearing for the house site.

The existing chicken coop in the wetlands area will remain in place. The group discussed whether it would be best practice to keep a chicken coop in the wetlands area. Mr. Neff noted that he would doubt if the owners would have chickens. Ms. Werner explained that if they ever wanted to repurpose it for something else, they would need to come before the Commission.

Mr. Neff reviewed the driveway drainage plan and agreed to submit an enlarged version for the record. He discussed the demolition process and explained that it would be fairly quick with limited filling. Then they would seed and hay-mulch. He noted the sequence of events narrative is included in the plans. Mr. Neff agreed that silt fencing will be included in the area of the demolition of the existing barn and house and will be added to the site plan and noted in the sequence.

Mr. Yagid moved to table application #1217-20, Brian Neff for Bradley Bernstein for Kent Hollow Straight, LLC, Map 17 Block 32 Lot 31, construction of: rain garden; new driveway entry gate; new driveway walls and pillars for gate access; approximately 170' of new driveway; and, selective thinning of trees in the regulated area. All work being done in conjunction with construction of a new single-family dwelling and related site work. Mr. Deitz seconded and the motion carried unanimously.

- 4.C.** Possible wetlands violation, Sam Mazza, 11 Upper Kent Hollow Road, Map 16 Block 26 Lot 1.

Donna Hayes reported that she received a call reporting that work was being done on the drainage on this property. There is drainage that runs from Upper Kent Hollow near the Kinney property down to this property. Mr. Mazza explained that this area is only wet in the springtime. Donna Hayes explained that there is a pipe that goes under the road and directs water down this way that is feeding the wetlands system.

Mr. Mazza reported he entered the area with a mini excavator and dug a trench to keep the water falling directly down the hill. On all of his maps this was never marked as wetlands. Lynn Werner explained that it is better to let water meander slowly into the wetlands system. He confirmed that he did not change the direction of the water flow. The area dug was about 75 feet.

The group agreed to walk the site on Thursday, April 30th at 10:00 a.m.

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Mr. Deitz moved to table possible wetlands violation, Sam Mazza, 11 Upper Kent Hollow Road, Map 16 Block 26 Lot 1. Mr. Yagid seconded and the motion carried unanimously.

5. COMMUNICATIONS TO THE COMMISSION

- 5.A.** Notice of Violation 01-20, Lynn Novick and Dorothy Novick, 355 Skiff Mountain Road, Map 8 Block 8 Lot 7, cutting of approximately 75 – 100 trees in a regulated area without permit.

Lynn and Richard Novick were present.

Donna Hayes reminded the group that the trees were cut and are just laying there on the site. It was suggested that if they were to be further cut up and allowed to touch the ground it would create a good habitat and they would rot fairly quickly. Mr. Novick explained that these were large dead ash trees and they did not imagine it would be a problem to cut them down. It was suggested that any of the branches that are still on the felled trees be removed making it easier for the material to decompose. Mr. Deitz noted that he feels any activity to be more disturbing than doing nothing at all and suggested just leaving the trees as they are currently.

Tom Kerr was present to represent the neighbor who finds the area to be aesthetically unpleasant. Ms. Smith requested that none of the material be removed from the property because of the ash borer. It was clarified that an after the fact permit and subsequent clean-up should be issued administratively. The group will give some thought to the best time to begin this work with regard to nesting birds, etc.

6. COMMUNICATIONS TO THE COMMISSION

A. WRITTEN

- 6.A.1.** Permit Application for the Use of Pesticides in State Waters: None received.
- 6.A.2.** Copy of An Application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at one of two sites to serve the Town of Kent. Submitted by Cuddy & Feder, LLP.

Donna Hayes reported that there are no wetlands on either of the proposed sites. She explained that the Conservation Commission has been very verbal regarding this matter. The Town has not yet filed for intervenor status. There are no concerns from a wetlands perspective regarding this proposal. Donna Hayes will confirm the deadline for response from the Wetlands Commission should any concerns come forward.

- 6.A.3.** Monthly Financial – February, 2020 - no comment

B. VERBAL

- 6.B.1.** Draw down of Housatonic River to replace flash boards at Bulls Bridge, July, 2020.

Donna Hayes reported that she received a call from Brian Wood from First Light. They will be reducing the river by about four feet for about two weeks to replace two of the flash boards. He explained that typically when they drop the water people along the river clean out their property. He had concerns with the disposition of the PCB soils. She suggested that a letter go out to the property owners explaining that

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an application be submitted for this type of work. The Commission was not comfortable with taking the authority for granting such permits. It was agreed that Brian Wood be invited to the next meeting to further discuss this matter.

7. **ADJOURNMENT**

Mr. Yagid moved to adjourn at 8:53 p.m. Mr. Deitz seconded and the motion carried unanimously.

Respectfully submitted.

Tai Kern

Tai Kern,
Land Use Clerk