

TOWN OF KENT INLAND WETLANDS COMMISSION

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RECEIVED

By Darlene Brady at 12:53 pm, Apr 24, 2024

REGULAR MEETING MINUTES

The Inland Wetlands Commission held a regular meeting via zoom on Monday, April 22, 2024, beginning at 7:02 p.m.

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; Jeff Galusha, Marge Smith, Paul Yagid, Ken Johnson, Anthony Palumbo (7:04)

Staff Present: Tai Kern, Land Use Administrator

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

3. READING OF MINUTES OF PREVIOUS MEETINGS

3.A. Regular Meeting Minutes March 25, 2024

Mr. Johnson moved to approve the regular meeting minutes of March 25, 2024 as presented. Ms. Smith seconded and the motion carried unanimously.

4. OLD BUSINESS

4.A. 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 reminded the Commission that they last discussed this application in January and reviewed the list of additional information required by the Commission. She noted that with this new plan it seems that the Commission's questions have been answered and remediation has been addressed.

Mr. Virbickas of Artel Engineering came forward and reviewed the Sediment, Erosion Control and Planting Plan dated March 14, 2024. He noted that the reason for the work was to address the flooding across the driveway and the partial driveway collapse. He reported that the site is now stabilized and it appears that the drain that was installed is functioning as intended to resolve the issue. He shared a survey of the property completed by Gary Hock. He reviewed the proposed

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planting plan to provide wetland revegetation along the area in which the trench was installed. It was noted that all the proposed plantings are native. He confirmed that there should be no erosion into the pond. Although the site is stabilized, haybales are in place at the end of the existing trench. He noted that the abutting neighbor has asked that the rubble wall along the property line be reestablished.; therefore, that activity is included in this plan.

Mr. Johnson noted that he viewed the site and reported on his observations.

Mr. Virbickas confirmed that the pipe installed will not dry out the area, but will prevent overflow from washing out he driveway. The gravel trench with pipe will be covered with 3-6 inches of soil to stabilize the plantings which will provide filtration.

Mr. Yagid moved to approve 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. Johnson seconded and the motion carried unanimously.

4.B. Application 1341-24, Kenmont and Kenwood, LLC, Kenmont Rd., Map 15, Lot 22, Block 100, after the fact dirt road to shore, dock and boat launch within wetlands

Ms. Kern reminded the group that at the end of the last meeting the Commission had some questions for Attorney Zizka. She reported that Attorney Zizka recommended that the Commission address the after-the-fact permit, which is currently before them. Enforcement is a separate matter that should be dealt with at a later date. The Commission should decide tonight whether this is something they would have permitted. If the Commission determines this is something they might have considered, they can expect the same type of information submitted as if the activity was not after-the-fact.

Chair Werner reiterated that the question before the Commission right now is whether they would have approved this activity. She reminded the group that at the last meeting some significant concerns were discussed. She noted that it is possible to establish a walkway through a wetlands system that is impactful, but relatively short term, but this is not that. She noted that she would likely not have approved this, but asked to hear from the rest of this Commission.

Ken Johnson noted that this is pretty major and would like to see it prior making a determination. He said he did not have enough information to determine whether he would have approved an application for this activity. Paul Yagid stated that he would not have approved this activity. Marge Smith agreed, she noted that in looking at the satellite this goes directly through a lot of wetlands. She clarified that it is road and not a path.

Ms. Werner explained that everyone has been to boardwalks that go through wetlands that are carefully constructed to minimize damage to the wetlands and are very unintrusive. Maybe if an application for something like that was submitted it could have been considered, but the length and the extent of this is significant.

Anthony Palumbo noted that wood roads are more temporary; whereas, this is not temporary at all. Jeff Galusha referenced the previous application and what they went through to design and rectify what had occurred to solve their issues with water. He would have had to have been convinced that was done properly to consider such an activity. Based upon what has been submitted, it does not appear that this was done properly. Therefore, he would not have approved it.

Paul Yagid discussed the term “wood road” which depicts that a logging operation had been involved. He has no recollection of an application for logging. This is coming from waterfront though wetlands. Marge Smith agreed that about one third of this is wetlands and there was no reason to go through there in this manner other than to access the waterfront.

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The group discussed the construction of the road which appears to be a lot of logs going crosswise across the road like an old corduroy road. It was noted that even dirt or gravel dumped into wetlands would not have been approved.

Ms. Smith moved to deny Application 1341-24, Kenmont and Kenwood, LLC, Kenmont Rd., Map 15, Lot 22, Block 100, after the fact dirt road to shore, dock and boat launch within wetlands. Mr. Yagid seconded and the motion carried 4-0-1 Johnson abstained.

Ms. Werner stated that the group will see whether applicant returns with a revised application; however, at this point enforcement action will be considered. Mr. Johnson questioned whether he could view the property. Attorney Sconyers advised that Mr. Johnson has their permission to do that.

- 4.C. Application 1339-24, Andria Budd, 422 Kent Hollow Rd, Map 17, Block 32, Lot 27&28, After the fact for activity in wetland area to clean debris and tree cutting.

Ms Kern reported that Ms. Budd submitted an extension noting that she is working with Chris Elkow of Kent Greenhouse, Richard Rossiello and Sam Sabin to develop a remediation and site plan.

Mr. Yagid moved to table Application 1339-24, Andria Budd, 422 Kent Hollow Rd, Map 17, Block 32, Lot 27&28, After the fact for activity in wetland area to clean debris and tree cutting. Ms. Smith seconded and the motion carried unanimously.

5. **NEW BUSINESS** - N/A

6. **COMMUNICATIONS TO THE COMMISSION**: N/A

A. **WRITTEN**: N/A

B. **VERBAL** –

The group discussed the upcoming legislation requiring training for Inland Wetlands Commissioner. Ms. Kern reported that the Land Use Office is following that House Bill and agreed to forward training opportunities to the members.

7. **ADJOURNMENT**

Mr. Yagid moved to adjourn at 8:02 p.m. Ms. Smith seconded and the motion carried unanimously.

Respectfully submitted,

Tai Kern

Tai Kern, CZEO
Land Use Administrator

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