

TOWN OF KENT INLAND WETLANDS COMMISSION

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By Darlene Brady at 2:22 pm, Feb 23, 2021

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REGULAR MEETING MINUTES

The Kent Inland Wetlands Commission held a regular meeting on February 22, 2021 at 7:00 p.m. via Zoom.

1. CALL TO ORDER

Ms. Werner called the meeting to order at 7:00 p.m. via Zoom.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES, IF REQUIRED

Commissioners Present: Lynn Werner, Chairman; Marge Smith, Ken Deitz, and 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 Meeting Minutes, January 25, 2021.

Ms. Smith moved to approve the Regular Minutes of the January 25, 2021. Mr. Johnson seconded and the motion carried unanimously.

4. NEW BUSINESS

4.A. Application #1249-21, Brian Neff, LE, for Michael Martin, 0 Kenmont Road, Map 15 Block 22 Lot 93, construction of single-family dwelling, detached garage, driveway, well, septic and associated site work.

Brian Neff came forward and reviewed the application for a single family dwelling on an undeveloped lot. He reported that there are quite a bit of wetlands on the property. Just about the entire lot is within the regulated area. The topography is flat. The group reviewed the site plan and Mr. Neff noted that he worked to maintain a buffer between the site and the brook. The septic and leaching field are partially in the regulated area. The closest part of the septic is about 15 feet away from the wetlands. Due to the ledge in the area they could not locate the septic outside of the regulated area.

Donna Hayes agreed to view the site prior to the next meeting and will report on her findings.

Ms. Smith moved table application #1249-21, Brian Neff, LE, for Michael Martin, 0 Kenmont Road, Map 15 Block 22 Lot 93, construction of single-family dwelling, detached garage, driveway, well, septic and associated site work. Mr. Deitz seconded and the motion carried unanimously.

Kent Inland Wetlands Regular Meeting Minutes 02/22/2021

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.

- 4.B.** Application #1250-21, Brian Neff, LE, for Benjamin Rosen, 23 Mauwee Brook Way, Map 9 Block 22 Lot 3, conversion of existing lawn on the south side of the house and motor court into a grass lined walking path with plantings on both sides and drainage directed away from the brook.

Brian Neff came forward and reviewed the proposal to create a 10 foot wide lawn area to a grass-lined path with plantings along the sides. Drainage will be installed to pick up water that will flow along the sides of the path. Catch basins with less than 4" piping will discharge the water away from the brook. He agreed to submit the planting plan upon its availability.

Donna Hayes reported that she is familiar with the site and finds no issues with this proposal.

Ms. Smith moved table application #1250-21, Brian Neff, LE, for Benjamin Rosen, 23 Mauwee Brook Way, Map 9 Block 22 Lot 3, conversion of existing lawn on the south side of the house and motor court into a grass lined walking path with plantings on both sides and drainage directed away from the book. Mr. Deitz seconded and the motion carried unanimously.

- 4.C.** Modification to Application #1168-18, High Watch Recovery Center, Inc., 54 & 62 Carter Road, addition to existing administration building parking area, drainage basin and associated grading, Map 14 Block Lots 6 & 7; **modification to include removal of elevated boardwalk structure on the southwest side of the property and adjacent to the new detox facility and revise the associated grading to allow for the continuation of an uninterrupted at-grade walking surface.**

The group discussed this is a request to fill the wetland. Donna Hayes reported that they would like to provide access for the ambulance without having to go through the front of the building. The group remembered that the area in question was a problematic area during the original approval.

Mike Doherty and Jason Perillo came forward as agents. Mr. Doherty reviewed the proposed change to the previously approved 75 foot long by 4 feet wide boardwalk. He explained that the accessible parking area slopes and they cannot gain access to the detox wing for emergency services. The new plan would include grading and filling of about 2100 square feet of wetland. There would be an increase in the planted buffer by two and one-half times and grass pavers would be installed for the emergency vehicles to drive upon.

Chair Werner reminded the group that the boardwalk was agreed to be mitigation for potential impacts because there were serious concerns with filling the wetlands in the original approval. Ken Deitz noted on the site plan where the emergency access already exists. Mr. Doherty explained that, due to grades, the access is on a much higher plateau.

Chair Werner noted that filling in a wetland is not a good precedent if there is an alternative. Part of the original approval was these mitigations. It was clarified that what the applicants are asking the Commission is to eliminate the mitigation plan that was part of the original approval process.

The members did not see a need for this other than convenience. The members reminded the group that this was discussed in the many months of meetings that they had for this approval. It was asked that the applicants rethink this proposal.

Jason Perillo reviewed the two emergency access areas to the detox unit. He explained that they would like to find a safer way to access the unit that would keep the patients out of the elements. Mr. Perillo reported that the ambulance chief has agreed that this would be an improvement.

Ms. Werner noted that the applicants had to be aware of this when they presented the original plan and it seems like the applicants agreed to a mitigation plan that they knew would need to be modified. She asked how they would not be aware of this problem in their original plan. Mr. Perillo explained that they do not do this kind of project all the time and this is a new process for High Watch.

Donna Hayes reported that the Fire Marshal and Building Official noted concerns that the 10 feet being proposed is cutting it close for ample access. She is concerned that High Watch will return once they realize this to modify once again resulting in the removal of the plantings meant to mitigate.

Mr. Perillo asked that the Commission table this application while they attempt to find an alternative. The group agreed to schedule a tentative site walk for March 21, 2021 at 9:00 a.m.

*Ms. Smith moved table Modification to Application #1168-18, High Watch Recovery Center, Inc., 54 & 62 Carter Road, addition to existing administration building parking area, drainage basin and associated grading, Map 14 Block Lots 6 & 7; **modification to include removal of elevated boardwalk structure on the southwest side of the property and adjacent to the new detox facility and revise the associated grading to allow for the continuation of an uninterrupted at-grade walking surface.** Mr. Deitz seconded and the motion carried unanimously.*

- 4.D.** Application #1251-21, Sam Sabin for Ashley Shackelton, 398A Segar Mountain Road, Map 16 Block 25 Lot 11, construction of tennis court with fencing and clearing and seeding meadow.

Sam Sabin came forward and reported that the proposed tennis court is outside of the regulated area. The proposed wetland meadow adjacent to the court is within the regulated area. There would be a one to two mowings yearly. The limit of construction will be within the regulated area. Access will be from the existing driveway. Total disturbance within the regulated area is about one half acre.

The Commission asked that Donna Hayes view the site to determine if the regulated area on the side brook should be identified on the map.

Ms. Smith moved to table application #1251-21, Sam Sabin for Ashley Shackelton, 398A Segar Mountain Road, Map 16 Block 25 Lot 11, construction of tennis court with fencing and clearing and seeding meadow. Mr. Deitz seconded and the motion carried unanimously.

5. OLD BUSINESS

- 5.A.** Application #1242-20, Stefan Peters & Ashley Rosebrook, 99 Macedonia Brook Road, Map 2 Block 5 Lot 13, improvement to pre-existing, non-conforming driveway, demolition of existing garage and rebuild new with parking area and breezeway to existing house; inground swimming pool, equipment and pool deck.

Donna Hayes reported that they have no new information for review. The applicants have requested an extension.

Mr. Smith moved to accept extension of application #1242-20, Stefan Peters & Ashley Rosebrook, 99 Macedonia Brook Road, Map 2 Block 5 Lot 13, improvement to pre-existing, non-conforming driveway, demolition of existing garage and rebuild new with parking area and breezeway to existing house; inground swimming pool, equipment and pool deck. Mr. Deitz seconded and the motion carried unanimously.

- 5.B.** Application #1244-21, Craig Bibb, 80 Lake Waramaug Road, Map 17 Block 27 Lot 11, removal of dead and deceased trees from wetlands and regulated area.

Craig Bibb came forward and reviewed a 2018 forester report regarding his site noting some of the issues with the dying trees. He reported that this process seems to be accelerating in recent years. A total of 67 trees of the 470 trees are proposed to be removed.

Donna Hayes reported on the site visit and questioned whether there will be many trees remaining after the proposed removal. The members agreed that this proposal was a good idea with the condition that mitigation may be needed after viewing the site in July 2022.

Ms. Smith moved to approve application #1244-21, Craig Bibb, 80 Lake Waramaug Road, Map 17 Block 27 Lot 11, removal of dead and deceased trees from wetlands and regulated area with the condition that possible mitigation will be required after July 2022. Mr. Deitz seconded and the motion carried unanimously.

- 5.C.** Application #1246-21F, Nick Yanick for Preston Mountain Club, 14 Preston Mountain Road, Map 3 Block 3 Lot 1, heavy thinning of approximately 80 acres and clean-up of storm damaged trees.

Nick Yanick came forward. Donna Hayes reported that the letter from the forester responding to the Commission's questions dated February 19, 2021 was received. She read the letter aloud that noted the types of trees on the property and the lifted requirements regarding the emerald ash borer.

Mr. Deitz moved to approve Application #1246-21F, Nick Yanick for Preston Mountain Club, 14 Preston Mountain Road, Map 3 Block 3 Lot 1, heavy thinning of approximately 80 acres and clean-up of storm damaged trees. Mr. Johnson seconded and the motion carried unanimously.

- 5.D.** Application #1247-21, Paul Szymanski, PE, Arthur H. Howland & Associates, PC, for Raphael and Courtney Posner, 21 Oak Ridge Road, Map 10 Block 41, Lot 19, construction of a one-bedroom, detached dwelling unit/pool house, driveway, proposed deck, subsurface sewage disposal system, grading and other related site work.

Paul Szymanski came forward and reported that the site plan was updated to label the proposed activity and note the wetland flagging. An overview map of the property was reviewed. The Commission agreed that they received everything they requested.

Ms. Smith moved to approve and the application #1247-21, Paul Szymanski, PE, Arthur H. Howland & Associates, PC, for Raphael and Courtney Posner, 21 Oak Ridge Road, Map 10 Block 41, Lot 19, construction of a one-bedroom, detached dwelling unit/pool house, driveway, proposed deck, subsurface sewage disposal system, grading and other related site work. Mr. Johnson seconded and the motion carried unanimously.

- 5.E.** Application #1248-21, Brian D. Wood for Balis, Bibb, Spring & Holland, 0 Lake Waramaug Road, Map 17 Block 27 Lot 10, improve shoreline access/recreational area; removal of dead, diseased and dying trees; removal and management of invasive species; and, preservation of existing natural area.

Brian Wood came forward and reported that a couple of the owners have signed the agreement and it will be filed on the land records once the permit is granted. Donna Hayes reported that Attorney Mike Zizka has advised that

any one of the property owners has the right to sign the application. Any differences between the owners would not be a matter for the Commission's concern. It was confirmed that Mr. Wood is authorized to act as their agent.

Mr. Wood reviewed the stock piles for each site and disturbance areas. Straw bales will be used to stabilize the site.

The Commission explained the time frames and that once one owner begins their work then all the owners will have one year to complete the project.

Ms. Smith moved to approve application #1248-21, Brian D. Wood for Balis, Bibb, Spring & Holland, 0 Lake Waramaug Road, Map 17 Block 27 Lot 10, improve shoreline access/recreational area; removal of dead, diseased and dying trees; removal and management of invasive species; and, preservation of existing natural area. Mr. Deitz seconded and the motion carried unanimously.

6. COMMUNICATIONS TO THE COMMISSION

A. WRITTEN: N/A

B. VERBAL: Donna Hayes reported that she confirmed with Mike Zizka that he would be willing to act as the IWC's attorney should legal advice be required.

7. ADJOURNMENT

Mr. Johnson moved to adjourn at 9:20 p.m. Mr. Deitz seconded and the motion carried unanimously.

Respectfully submitted.

Tai Kern

Tai Kern,
Land Use Clerk