

TOWN OF KENT INLAND WETLANDS COMMISSION

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REGULAR MEETING MINUTES

The Kent Inland Wetlands Commission held a regular meeting on March 27, 2017 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 7:00 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES, IF REQUIRED

Commissioners Present: Lynn Werner, Chairman; Eric Cieplik, Fred Hosterman, Marge Smith, Paul Yagid

Staff Present: Donna Hayes, Land Use Administrator

Mr. Yagid moved to add items 4.B. and 6.B. to the agenda. Mr. Cieplik seconded and the motion carried unanimously.

3. READING OF MINUTES OF PREVIOUS MEETINGS

3.A. Regular Meeting Minutes, February 27, 2017.

Ms. Hayes commented that in the motion on the top of page 3, she had written that Mr. "Hoffman" had made the motion and said that it needed to be changed to Mr. "Hosterman". There were no other changes.

Ms. Smith moved to approve the Regular Meeting Minutes, February 27, 2017, as amended. Mr. Cieplik seconded and the motion carried unanimously.

4. APPLICATIONS

4.A. Application 1149-17, Town of Kent, replacement of Kent Hollow Road Bridge #067-18, Kent Hollow Road, Map 17 Block 28/32 Lot N/A Kent Hollow Road, R.O.W.

Since the applicant was not present, Mr. Yagid moved to table agenda item 4.A. until he arrived. Ms. Smith seconded and the motion carried unanimously.

Mr. Rick Osborne was present to address the Commission. He explained that the bridge in question is located on the "S" turn at the end of Straight Road and that the bridge will be replaced with a box culvert. Ms. Werner asked why they were replacing it with the box culvert. Mr. Osborne said that it was cheaper and faster. He continued that they would be digging down into the brook, placing the culvert box on stone, and putting some cutoff walls on it. Ms. Werner asked if the culvert would carry the whole brook and Mr. Osborne replied that it would. Ms. Werner then asked if they would have to cut into the banks of the brook. Mr. Osborne replied that they would

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have to do that in order to put in the diversion pipe. Ms. Werner asked if it would be large enough to handle a flood. Mr. Osborne said that the culvert was rated for either a 100 or 500-year storm and if it did overflow it would just enter the other side of the swamp area.

Ms. Werner stated that putting up a bridge would be less invasive than putting in a box culvert. Mr. Osborne did not agree and said that you would still have to dig out the area in order to put in footings. Ms. Smith asked if they could install a 3-sided culvert. Mr. Osborne said that he's never done a bridge with a 3-sided culvert. Mr. Hosterman said that this sounds like another Carter Road. Mr. Osborne said that it is similar but on a much smaller scale. Mr. Hosterman asked if the CT DOT had any say on what is being used and Mr. Osborne replied that they would if the Town was using state money.

Ms. Werner said that it is generally better to put in a bridge and asked Mr. Osborne what, in his experience, the bottom of the culvert would look like 3 years from now. Mr. Osborne said that it would look like muck. Ms. Smith asked if the bottom of the box culvert would be below the stream bed and Mr. Osborne said that it would. Ms. Werner asked if they would be replacing the stream bed and Mr. Osborne said that he would not want to put the existing muck back in as it would just wash out. Ms. Werner asked if there were any rocks. Mr. Osborne said that he was not sure since there was no velocity and the area is mostly swamps. The next bridge that they would be replacing will be the bridge on Anderson Acres Road. Ms. Werner asked if the creatures will be in water the whole time as they move upstream. Mr. Osborne said that they would. Ms. Werner asked if there were trout in the stream and Mr. Osborne said that he did not know but if they were moving upstream from Tanguay there were plenty of beaver dams to hide in. Ms. Werner said that she would have to be replacing all the bridge with box culverts simply because it was cheaper. She said that every application will have to be addressed individually. Ms. Smith agreed and said that if the stream is fast moving they might prefer a 3-sided culvert or bridge. She did agree with Mr. Osborne regarding the fact that the area is mostly swamp and that the area would most likely muck over once the work is done. Ms. Werner commented that the replacement with a box culvert is a safety issue at this point in time. Mr. Osborne said that the culvert on Carter Road has already silted over at the intake and output sides of the culvert. He was not sure about the interior.

Mr. Hosterman asked if there is much flow during a heavy rain. Mr. Yagid said that by the time the water comes down from North Spectacle Lake, there is not much velocity. Mr. Osborne agreed and said that it has spread out considerably by the time it reaches that area.

Ms. Hayes asked if they would be raising the roadway at all and Mr. Osborne said that they did get an estimate to do that, but it was too expensive. Ms. Smith asked when the bridge was first put in and he replied that it was 1938. Not raising the area decreases the impact to the stream. Mr. Osborne said that the bridge has started to degenerate and Ms. Smith agreed. She was wondering if the concrete that has fallen into the water has changed the pH content of the water.

Ms. Werner said that she will continue to bring this issue up with each application and Ms. Smith agreed that it should be addressed individually. Ms. Hayes asked when Mr. Osborne scheduled the replacement of the Anderson Acres Road. Mr. Osborne said that they were planning on doing it in 3 – 4 years but they planned on using an aluminum bridge. Ms. Hayes said that if the Commission has concerns, this would be the time to voice them so that Mr. Osborne can make adjustments to the capital plan.

Ms. Hayes asked when Mr. Osborne planned on doing the project and he said that the contract states that the bridge has to be done by the time school opens at the end of August. They plan on starting it right after school is out for the summer.

Mr. Hosterman moved to continue Application 1149-17, Town of Kent, replacement of Kent Hollow Road Bridge #067-18, Kent Hollow Road, Map 17 Block 28/32 Lot N/A Kent Hollow Road, R.O.W. to the next regular meeting. Mr. Cieplik seconded and the motion carried unanimously.

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- 4.B.** Application #1150-17, Arthur H. Howland & Associates, LLC, for Timothy & Eve Sommerfield, 11 Preston Mountain Road, Map 3 Block 3 Lot 4, construction of garage and driveway with associated drainage.

Ms. Iselin (Eve Sommerfield), the property owner, was present to address the Commission. Ms. Iselin explained that they were planning on building a two-car garage in the regulated area. Ms. Werner asked which way the property sloped and Ms. Hayes said that it slopes from the back of the garage towards Preston Mountain Road. Mr. Yagid asked if they were planning on building the garage into the slope and Ms. Iselin said that she did not think so. Ms. Werner asked how far away from the large pond the construction would be and Ms. Hayes calculated about 75'. The elevation of the pond was at an elevation of 490', the back elevation of the garage is 502' and the front elevation is about 499'. Ms. Werner said that it was a slope of about 10'.

Ms. Werner asked if there were any issues. Ms. Hayes explained that originally there was a carport planned on the property which was never built. Ms. Werner commented that there really wasn't any place else to place it and Ms. Iselin agreed.

Mr. Yagid asked if it was going to be a two-car garage and Ms. Iselin said yes. Mr. Yagid asked if they were planning on expanding the driveway since what was shown was the existing driveway. Mr. Yagid also asked if there would be an area to back into when pulling out of the garage. It was noted on the plan that the drain pipe was a 4" pipe and wondered whether it should be a schedule 40 in order to handle the weight of the gravel and a vehicle.

Mr. Jeremy Oskandy, EIT of Arthur H. Howland, arrived at this point in the meeting. Ms. Werner told Mr. Oskandy of Mr. Yagid's concern regarding showing a drive area into the second bay of the garage. Mr. Oskandy explained that the new driveway location is outlined in magenta on the plan. Mr. Yagid asked Mr. Oskandy if they were planning on cutting into the grade or not and Mr. Oskandy replied that they were planning on building it into the slope which would include a small knee wall. Ms. Werner asked where the silt fencing will be placed and Mr. Oskandy showed their location on the plan. Ms. Werner asked about the piping and Mr. Oskandy said that the pipe will handle the roof drain and the runoff from the new gravel drive would flow into a rain garden which will contain 12" – 18" of proprietary mix and that the only time there will be any standing water will be if there is rain during the winter or a huge storm. Ms. Smith said that all the plants listed on the plan were correct for this application.

Ms. Werner asked about the stockpiling. Mr. Oskandy said that it will be temporary and that they will hopefully spread most of it out in the disturbed area. If there was any fill left, it will have to be taken off site.

Ms. Werner said that since Ms. Iselin had just seen the plan she should make any changes prior to the next meeting when the Commission will be ready to act on it.

Mr. Yagid moved to continue Application #1150-17, Arthur H. Howland & Associates, LLC, for Timothy & Eve Sommerfield, 11 Preston Mountain Road, Map 3 Block 3 Lot 4, construction of garage and driveway with associated drainage to the next regular meeting. Mr. Hosterman seconded and the motion carried unanimously.

Mr. Yagid moved to hear agenda item 4.A. at this point in the meeting. Mr. Cieplik seconded and the motion carried unanimously.

5. OLD BUSINESS

- 5.A.** Application #1147-17, Linda Kidd, 108B Kent Road, 12' x 28' addition to existing house, Map 5 Block 10 Lot 21.

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There was no additional information presented with regard to this application.

Ms. Smith moved to approve Application #1147-17, Linda Kidd, 108B Kent Road, 12' x 28' addition to existing house, Map 5 Block 10 Lot 21. Mr. Hosterman seconded and the motion carried unanimously.

- 5.B.** Application #1148-17, Steven Abbate, 99B Cobble Road, construction of new garage; new covered deck; and extension of existing deck, Map 10 Block 22 Lot 2.

Ms. Hayes said that she had visited the site but still did not know where the pipe under the driveway empties into the proposed stockpile area. Mr. Abbate, property owner, answered that it was about 5' from the new line of evergreens. Ms. Hayes asked if the stockpile area would be below the location of the pipe and Mr. Abbate replied that the area he was looking at was at least 10' to the west of the existing pipe. Ms. Hayes said that one of the concerns was whether or not the pipe would be covered with the fill and Mr. Abbate said no.

Mr. Abbate then advised the Commission that there was another change to the plan which was, at the suggestion of his architect, that the existing garage floor be dug up and replaced with a crawl space which would increase the size of the stockpile. This was being done so that hardwood floors could be installed in the proposed family room. Ms. Werner asked if it would double and Mr. Abbate said that it would probably double the size. The shape and size will also change. Ms. Werner asked that Mr. Abbate update the application appropriately.

Ms. Werner asked Ms. Hayes if she had any concern with the increase to the stockpile size and Ms. Hayes said that she was not as long as the stockpile was pulled away from the pipe under the driveway. Mr. Yagid asked what the area was and Mr. Abbate said that he would call it a glen. Ms. Hayes said that there is no indication of wetland plants in the area and agreed that it could be considered a glen.

Ms. Hayes said that she would need to finalize exactly what was proposed. Mr. Abbate replied that the new garage will now be 30'W x 24'D which will increase the distance from the pond. There will be footers and a concrete pad for the new garage. The concrete pad in the existing garage will be removed from the property and a crawl space of approximately 3' deep will be created. Mr. Yagid asked if there will be pour onto the existing footings for the main house. He also asked if there were any drainage issues. Mr. Abbate said that there were no water issues in the basement. Mr. Yagid asked for the elevations and also asked if there were any footing or roof drains. Mr. Abbate said that there was only one gutter drain. Ms. Werner asked if there were any other changes and Ms. Hayes said that she had some other changes in her office with regard to the deck. Ms. Werner cautioned that any other changes would require a modification to the permit.

Ms. Smith moved to approve Application #1148-17 with the changes discussed at this meeting, Steven Abbate, 99B Cobble Road, construction of new garage; new covered deck; and extension of existing deck, Map 10 Block 22 Lot 2. Mr. Yagid seconded and the motion carried unanimously.

- 5.C.** Fee Ordinance

Ms. Hayes explained that she had not had time to do much research on this matter. The Commission asked that it remain on the agenda for next month.

6. NEW BUSINESS

- 6.A.** Modification to Application #1022-12, Clint and Barbara Bishop, Macedonia Road, construction of single family dwelling, driveway, septic, well and utilities; modification to include construction of bridge across Bog Hollow Brook, Map 3 Block 4 Lot 2.

Mr. Jeremy Oskandy, EIT, of Arthur H. Howland & Associates was present to address the Commission.

Ms. Werner asked if anything had been built on the property and Ms. Hayes said no. Ms. Smith asked if the Bishop's were the ones asking for the modification. Ms. Hayes explained that the property had been sold to Mr. Drew Taraian who had come before the Commission in the fall of last year regarding the bridge. He ultimately withdrew that application and was now coming before the Commission asking that the permit that was issued for the construction of the house be modified by adding the construction of the bridge. Ms. Hayes said that the Commission needs to transfer the permit from Bishop to Taraian. Mr. Yagid asked if the Bishop permit had been extended when the sale of the property was completed and Ms. Hayes replied that it had not. She told the Commission that she explained to Mr. Taraian that the permit will be expiring at the end of August, 2017 and if he has not started work on the property by June, he would need to apply to the Commission for an extension of the permit in July. Mr. Oskandy said that due to the size of the watershed, he did not think that construction could start by August of this year as there is a possibility that an application might need to be made to the Army Corps of Engineers because of the size of the watershed. Part of that application will need to be reviewed by the DEEP and Mr. Oskandy was not sure how long that review would take. He continued that he was asked by Mr. Taraian to ask the Commission to extend the permit.

Ms. Werner requested that the agenda item be changed to read "Modification to Permit #1022-12..." so that there is no confusion. Ms. Werner asked if the current owner was going to be making any changes to the original permit #1022-12 and Ms. Hayes said no. He was strictly modifying the permit in order to build the bridge. It was decided that a motion be made transferring the permit from Bishop to Taraian before the discussion continued.

Ms. Smith moved to transfer Permit #1022-12 from Clinton and Barbara Bishop to Drew Taraian. Mr. Hosterman seconded and the motion carried unanimously.

Mr. Oskandy then submitted new plans to the Commission. Mr. Oskandy told the Commission that the property is quite large; a total of approximately 23 acres with some of it in New York State. Ms. Werner asked Mr. Oskandy if they had responded to Ms. Lord's letter. He replied that he had not since he had just seen it late this afternoon. He hoped to be able to answer some of her concerns at this meeting.

Mr. Oskandy said that the plan might need to be modified based on review from the Army Corps of Engineers. He did not think that the bridge itself would change but thought that they might need to add more detail to the plan. Ms. Werner said that one of the concerns was the under clearance and asked if additional space would be added. Mr. Oskandy said that he did not think raising the bridge would be an issue; they would just have to add more concrete to the abutments and a little more fill. Ms. Werner asked if they were planning to do it and Mr. Oskandy said yes; they would have to do that. Mr. Oskandy also commented that they would probably be going with a concrete deck instead of a wood deck as it would be more cost effective requiring smaller steel. Mr. Oskandy told the Commission that the calculations are extremely conservative. He explained that the brook has a drainage area of almost 4 square miles with a long flat valley filled with bogs and marshes which provides storage. Considering this should affect the flows. To confirm his comment, Ms. Werner stated that when Mr. Oskandy meets with the State and the Army Corps of Engineers Mr. Oskandy will explain the amount of storage capacity the upstream watershed has. Mr. Oskandy agreed. Ms. Werner asked if this will eliminate the need to raise the bridge. Mr. Oskandy said that it could. When asked if the type of drainage area will affect anything else, Mr. Oskandy replied no. Ms. Hayes asked if that was the reason why the bridge went from a 21' span to a 26' span. Mr. Oskandy said no. The reason for the increase in the span is based on the size of the stream. The original span of 16' would have placed the footings for the bridge directly in the stream bed. It was Mr. Oskandy's suggestion that the bridge be increased to 21' but once the area was visited by the structural engineer, it was his suggestion that the span be further increased to 26'. Constructing the bridge at 21' would still have been difficult to build because of the water and the wetlands on the south side of the stream.

Ms. Werner asked what needs to be done to get the footings installed for the bridge. Mr. Oskandy said that a temporary crossing will have to be constructed. The footings will be constructed without disturbing the stream bank. The wetlands will be filled in order to get the driveway in. Mr. Oskandy said that a seepage or stone filter will be added which will allow the water to flow through the wetlands. Ms. Werner asked if it would fill in over time. Mr. Oskandy replied that it would not. Ms. Werner asked if there would be any need for culverts. Mr. Oskandy replied that there is a plan for an open bottom box culvert and a pipe to be placed at the bottom of the driveway. Ms. Werner asked they would be enough for the habitat flow. Mr. Oskandy said that he believes that the open bottom box culvert was 10' and the pipe is 15". He has not done independent reviews of that area because it was not part of the scope of his project. Ms. Werner asked if they would be involved in the construction of the driveway and Mr. Oskandy said that he thinks they would be because Mr. Taraian seems to be quite happy with the work they've done so far.

Ms. Hayes asked what the grade was entering onto the bridge. Mr. Oskandy said that it was pretty flat with some areas at 1 – 2% and some at approximately 10%. There is a pull off area and one area that will be constructed so that it will not flood. Ms. Hayes asked how they were going to hold back the fill area and Mr. Oskandy replied that wing walls will be installed to hold the area back along with an abutment which the bridge will sit on. Mr. Yagid said that on one side the height difference to the bridge will be approximately 2'. Mr. Oskandy agreed and said that the other side will be inches. Ms. Werner asked if the stone filter will be placed where the wing walls were being placed. Mr. Oskandy said yes and explained that some organic material will be removed and about 18" of stone will be installed and compacted. Road reinforcement fabric will be placed on top of the stone, then the process base and another layer of material will be added, the choice of which will be determined at a later date.

Ms. Werner asked how much wetland was calculated to be filled/lost when the original application was submitted. Mr. Oskandy said that number should not change because of the length of the driveway. Ms. Werner confirmed that this new plan would reduce the amount of wetlands filled. Mr. Oskandy agreed and said that approximately 2500 – 2700 sq. ft. of wetlands would need to be filled in.

Ms. Werner recapped the conversation by saying that Mr. Oskandy will have to revise the scale on the plan; respond to Anchor Engineering's concerns, figure out how to apply to the Army Corps of Engineers and return to the Commission with any missing information. Mr. Oskandy said that he would need to provide a construction sequence and a routing for a 2-year storm. There will be no diversion but a temporary crossing. Ms. Werner asked if making the bridge higher would affect anything that was discussed at this meeting. Mr. Oskandy said that there will be more fill and it would also require an extension of the wingwalls. It would not increase the disturbance or change the capacity span.

Ms. Werner asked if the Commission had any concerns that need to be submitted. Mr. Yagid said that they would need a construction sequence, clarification of height of the span. Ms. Werner said that if they could address that and answer Ms. Lord's concerns, it would guide the decision. Ms. Werner asked if they had to go to the DEEP and Mr. Oskandy replied as part of the process they have to work DEEP in order to get their approval from the Army Corps of Engineers. Ms. Werner asked if this is approved and a substantial change is mandated by either DEEP or the Army Corps of Engineers would the applicant have to return for a modification. Ms. Hayes said that they would. Ms. Werner suggested that Mr. Oskandy clarify with Ms. Lord whether or not the bridge does need to be raised the 1'. Mr. Oskandy explained that if the Army Corps of Engineers would allow them to change the drainage calculations based on the increased storage time of the bogs, marshes and low valleys, they might be able to self-verify and bypass their whole process. In order to qualify for self-verification, the bridge would have to pass a 50-year storm requirement. Doing this would save 6 – 8 months of the approval process.

Ms. Werner said that one requirement of the modification to the permit would be to keep the Inland Wetlands Commission informed of any changes. As long as Mr. Oskandy replies to Ms. Lord's letter, revises the plan to

reflect the change to the scale and provides a construction sequence, the Commission might be able to act on this modification at the next meeting.

Ms. Hayes said that Mr. Taraian will have to submit a check for the extension of the permit; she will let Mr. Oskandy know what the amount is. Ms. Werner asked how long the extension could be. Mr. Oskandy asked that the extension be as long as possible especially if they will have to go through the approval process for both the DEEP and the Army Corp of Engineers.

Mr. Cieplik moved to extend Permit #1022-12, two years pending verification that it could be extended that long. Mr. Hosterman seconded and the motion carried unanimously.

Ms. Smith moved to continue, pending receipt of additional information, Modification to Permit #1022-12, Drew Taraian, Macedonia Road, construction of single family dwelling, driveway, septic, well and utilities; modification to include construction of bridge across Bog Hollow Brook, Map 3 Block 4 Lot 2. Mr. Yagid seconded and the motion carried unanimously.

6.B. Request for farming exemption, Greenwoods for Irving/Romualdez/Meagher, 17 Straight Road, Map 17 Block 32 Lot 31.

Ms. Smith asked for clarification of the address; Mr. Perssonatti from Greenwoods Land Management, explained that the new owner gave him an address of 27 Straight Road. Ms. Hayes explained that the 911 number for Map 17 Block 32 Lot 31 was 17 and she considered that the legal address.

Mr. Perssonatti then explained the project to the Commission. He explained that the property has always been a farm and that it is currently being farmed by Brent Kallstrom. The new owner wants to put money into the property and bring it back to farmland. Since the property has not been properly maintained, the multiflora rose has taken over acres and acres of property.

The first approach would be to push back the edges of the fields and open up the brooks and streams on the property. Mr. Perssonatti showed the Commission where the West Aspetuck River was and the location of the brook where most of the work will be done. Ms. Werner asked if he would be planting along the brook and Mr. Perssonatti replied that he did not think it would need to be replanted. He will be leaving the elder bush, would not be clear cutting or digging and would be using low impact machinery which will grind the invasives in place. No top soil will be removed and there will only be minimal scuffing to the ground. Ms. Werner asked what percentage of the canopy will be removed. Mr. Perssonatti replied that no canopy will be disturbed. The only thing to be removed will be multiflora; the elder bush, willow and spice bush will remain. Removing the multiflora will give the natives an opportunity to grow and fill in. Mr. Perssonatti said that he would like to do the work now before the multiflora greens up and impedes the growth of the natives. If, after removing the multiflora, there are bare spots he will plant those areas with a mix that includes tall fescue, clover and native seed. Mr. Perssonatti said that if the natives are entwined with the multiflora, some will be removed.

Ms. Werner asked what number of feet would require the planting of the planting mix. Mr. Perssonatti said that he would plant that wherever he sees bare soil and that 6' – 10' would justify the planting. By doing the clearing early, some of the grasses will grow back.

Ms. Werner said the timing is important because whatever is there will be providing a habitat for nesting birds. Mr. Perssonatti agreed and said that he would like to provide an area that would protect the birds.

Mr. Perssonatti said they would be crossing a small wet area in order to reclaim a small meadow in the back area for sheep. He planned on putting in a cribbing bridge which would sit across the small brook but not in it. In

addition to the work along the brook, Mr. Perssonatti wants to reclaim the farm roads which would entail the removal of some trees.

Ms. Werner asked if this would be for an agricultural use. Ms. Hayes said that she believes it is because once the area has been brought back to viable farm land, they will be farming it and using it as pasture for sheep. Ms. Werner asked if this would qualify for a farming exemption. Mr. Hosterman believed that it would as did Ms. Smith. Mr. Perssonatti said that they will be renovating the barn and bringing in sheep and chickens. Ms. Hayes read the farming exemption from the regulations. Ms. Werner said that the placement of the cribbing was temporary and the roads are existing. She then asked the Commission if they felt that the work being done does not fall within the exemptions that Ms. Hayes read. Mr. Cieplik said that he did not think so. Ms. Werner asked if clear cutting along the brook was eligible for the farming exemption. She did not think so; she considered it restoring the riparian buffer along the brook. She asked Mr. Perssonatti if he planned on leaving the native plants along the brook and Mr. Perssonatti said yes. He continued that if all the plants were removed, the banks will fall in. If all the plants will be removed, Ms. Werner said that she did not think the farming exemption would apply. Ms. Werner said that giving the fact that Mr. Perssonatti will be leaving the natives qualifies the work as a farming exemption but said that she would like to get some clarity on the width of the removal and more information about whether or not the owner of the property will eventually want everything removed. Mr. Perssonatti said that he did not know what the owner's intentions were. He continued that eventually the owner will put a house on the property but the first few years he wants to expand the farm and restore the land. Mr. Kallstrom will stay on the property. Ms. Smith said that she has spoken with Mr. Kallstrom about this property and he is passionate about this property and understands the agricultural heritage of the property.

Mr. Hosterman asked what would happen to the area after it is mulched. Mr. Perssonatti said that it would continue to be mowed. Mr. Hosterman confirmed that it would not be hay land. Mr. Perssonatti said that there will be a buffer around the hay field.

Ms. Werner asked if the area along the brook was completed vegetated and out of that area how much would be left. Mr. Perssonatti said that it is completely vegetated and approximately 10% would be left. Mr. Hosterman's issue then becomes a concern. Mr. Perssonatti said that the invasives come out about 40' into the field and that the natives are along the brook. Ms. Werner said that in order for this to continue as a farming exemption, Mr. Perssonatti should not allow the invasives to grow back but to allow the edges of the brook to be naturally vegetated. Ms. Smith said that repeat cutting of multiflora and invasives is the only way to get rid of them and this may take several years. Doing this will allow the elder and spice bush to return to the area.

Ms. Werner said that she would like to encapsulate the project as this: The goal to is to maintain buffer native species along the edge of the brook and that cutting can continue for invasives but not for the natives and there will be expansion of the hay fields to the edge of the brook. Mr. Perssonatti said that there is no way that Mr. Kallstrom can mow to the brook, it must be done in a straight line and that any mowing would have to be done by a brushhog.

Ms. Werner asked the Commission if they were all in agreement that this proposal, as presented, and the intention of the work going forward qualifies for as a farming exemption.

Mr. Cieplik moved to grant a farming exemption to Brad Bernstein (formerly Irving/Romualdez/Meagher), 17 Straight Road, Map 17 Block 32 Lot 31. Ms. Smith seconded and the motion carried unanimously.

Mr. Perssonatti was asked when he planned on the starting the work and he said that he walked the property, saw no nesting birds and would like to start as soon as possible.

7. COMMUNICATIONS TO THE COMMISSION

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A. WRITTEN

7.A.1. Permit Application for the Use of Pesticides in State Waters: Lake Waramaug; Olivier Pond; Harts Pond; Avian Pond; Melcher Pond; Low Pond; Wolf Pond

Ms. Hayes said that she had received an email from Tom McGowan regarding the Lake Waramaug curly leaf pond weed which was included in their packet. The Lake Waramaug permit application was a replacement to the one that was originally presented.

Ms. Hayes also told the Commission that she had asked Mr. McGowan about the pulling of water from the lake to irrigate the golf course. She continued that he told her that his main concern was that the pulling cease once the lake reaches the level dictated in the permit. Mr. McGowan stated that the pipe which indicates the critical level of the lake is no longer installed and he was working on getting that put back in. Mr. McGowan also said that he was disappointed that the DEEP had removed the information on pump downs from their website.

Mr. McGowan wanted the Commission to know that they will be replacing the lake front portion of the dam, the lake will be lowered quite a bit and coffered dams will be installed. One of the things that will need to be monitored will be the fact that the lake will be lowered which will affect the amount of water that can be pumped out of the lake for the irrigation of the golf course. Ms. Werner asked if there was anything that the Commission needed to do. Ms. Hayes said that it seemed that Mr. McGowan did not require anything from them.

Ms. Werner asked Ms. Hayes to contact the petitioner for the Avian Pond and let them know that they need to change the name on page 5 of 8. Ms. Werner also asked Ms. Hayes to ask her contact at the State why they are not referring Koman as a use in ponds that are used for swimming. With regard to the application for Olivier, Ms. Hayes reminded the Commission that they had questioned the use of one of the chemicals and ever since then the applicator has been very sensitive to what chemicals he uses.

7.A.2. Monthly Financials – FY '16 – '17; July through February

The Monthly Financials were received by the Commission and no action was taken.

7.A.3. *The Habitat*, Winter 2017

No action taken.


B. VERBAL

No action taken.

8. ADJOURNMENT

Mr. Cieplik moved to adjourn at 9:00 p.m. Mr. Yagid seconded and the motion carried unanimously.

Respectfully submitted,


Donna M. Hayes, CZEO
Land Use Administrator

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KENT TOWN CLERK

2017 APR -5 A 9:40

BY  TOWN CLERK

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