

# TOWN OF KENT INLAND WETLANDS COMMISSION

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Phone (860) 927-4625 Fax (860) 927-1313

## REGULAR MEETING MINUTES

The Kent Inland Wetlands Commission held a regular meeting on February 22, 2016 at 7:00 p.m. in the Kent Town Hall, 41 Kent Green Boulevard, Kent, CT.

### 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, Marge Smith, Vice Chairman; Eric Cieplik, Paul Yagid and Fred Hosterman

Staff Present: Donna Hayes, Land Use Administrator  
Jennifer Calhoun, Land Use Clerk

*Ms. Smith moved to add to agenda, item 7.A.2. DEEP Permit Applications for the Use of Pesticides in State Waters for: Skiff Mountain Road at Marvelwood School; Thom Pond; and, Olivier Pond. Mr. Yagid seconded and the motion carried unanimously.*

### 3. READING OF MINUTES OF PREVIOUS MEETINGS

3.A. Regular Meeting Minutes, January 25, 2016.

Ms. Werner stated that in the last paragraph of the minutes the word "would" should be "should". Also, in the sentence "The Commissioner members all disagreed that they talked about that in executive session" the wording should be changed to "...all agreed that they did not talk about that in executive session."

Ms. Smith also noted that on page 3 the word "he" should be changed to "the".

*Ms. Smith moved to approve the regular meeting minutes of January 25, 2016 with the changes stated above. Mr. Cieplik seconded the motion carried unanimously.*

### 4. APPLICATIONS

### 5. OLD BUSINESS

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2016 FEB 23 A 11:08

BY *Donna Hayes*  
TOWN CLERK

Kent Inland Wetlands Regular Minutes 2/22/16

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5.A. Application #1121-16F, James Gillespie for Harold Howe, Jr., timber harvest, Jennings Road, Map 11 Block 40 Lot 6.

5.B. Application #1122-16F, James Gillespie for William Arnold, timber harvest, Route 341 and Jennings Road, Map 10 Block 40 Lots 32 and 27.

James Gillespie, Forester and William Arnold were present for applications #1121-16F and 1122-16F. The Commission decided to hear both applications together.

Mrs. Hayes stated that she walked the site. She noted that the IWC can make a determination that the stream crossings would require a separate permit for disturbance within the regulated area and/or wetlands and watercourses.

Mr. Gillespie, when asked, noted that he would like to accomplish the work either in the summer, fall or next winter. He added that a separate application/permit felt redundant.

Mrs. Hayes noted that we had just had 2 inches of rain and the intermittent watercourse was running when she visited the site.

Ms. Smith asked if Mr. Gillespie would be using the same crossing as he used during the last timber harvest on the Arnold property. Mr. Gillespie noted that he would and he would be utilizing bridges and corduroy crossings.

Ms. Gillespie noted that the Town of Kent was one of the six towns in Connecticut with forestry regulations. He explained the process of the State handing over timber harvest jurisdiction to these towns. He felt that the forestry regulations were put in the hands of the IWC for a reason, its review of wetlands and watercourses along with the actual timber harvest. He felt like Mrs. Hayes was confusing Darcy Winther's opinion that they could require a separate permit with town's that do not have jurisdiction of timber harvests.

Mrs. Hayes noted that in section 3.4.a of the Forestry Regulations for the Town of Kent, it states that the IWC can require a separate permit.

Ms. Werner stated that the Commission does regulate bridges, whether temporary or permanent.

Mrs. Hayes then read her notes from her conversation with Darcy Winther of the DEEP. Ms. Winther stated that if the crossing is frozen, the IWC could determine that it does not need a separate permit because there would be no potential impact to wetlands or watercourses.

Ms. Smith stated that regulations said that the Commission "can" require a separate application. She felt that meant if they did not require one for this application, it would not set a precedent.

Mr. Gillespie noted that along with all agricultural activities, the forestry operation has to be performed in accordance with the weather at that time.

Ms. Werner noted that the Commission should be consistent with the regulations.

Ms. Smith asked if Mr. Gillespie would consider using temporary bridges instead of the corduroys. Mr. Gillespie noted that they could change the corduroy crossings to bridges. He continued to explain that a corduroy crossing was running logs the length of the stream. The stream is usually dry, but if there is a storm event, the water usually runs through it. Ms. Smith wondered about the width of the logs and Mr. Gillespie stated that installing them was not an exact science.

Mr. Gillespie stated that they would not be working in a 2" thunderstorm.

Mr. Hosterman asked what the procedure was for the last application and Ms. Werner noted that if it was in the winter and the Commission decided it would not have an impact.

Mr. Gillespie stated that the Commission has never required him to apply for a separate permit before. Ms. Werner stated that they would have to go back and research that. Mrs. Hayes added that it came up in the Kallstrom lawsuit.

Ms. Werner stated that the application should be amended to change the corduroy crossings to bridges. Mrs. Hayes added that the crossings were only on Mr. Arnold's property.

*Mr. Yagid made a motion to approve application #1121-16F as is. Ms. Smith seconded and the motion carried unanimously.*

*Mr. Yagid made a motion to approve application #1122016F with the change that all crossings would be utilized by a bridge to eliminate impact to the watercourses. Ms. Smith seconded and the motion carried unanimously.*

**5.C. Copy of Letter from CT DEEP dated December 17, 2015 Regarding Replacement of Carter Road Culver over Kent Falls Brook.**

The following are the notes from Mrs. Hayes conversation with Doug Hoskins of the Inland Water Resources Division of the DEEP:

- DEEP's agreement with DOT is that any application of this nature begins and ends with the Fisheries Division.
- The Fisheries Division did NOT design the culvert ... they merely made a recommendation on its design.
- The applicant did NOT get the final signature from the Fisheries Division.
- DEEP is trying to get the DOT to buy into that process.
- DEEP will be having a meeting with the applicant and the Fisheries Division; hopefully soon.
- Doug said that he is not saying there will be changes, but there might be.
- When asked if this will affect the timeline for construction, Doug replied that there will be a possible "couple of months delay".
- When asked if the applicant will have modifications to the plan approval, Doug replied possibly.
- I told Doug that the Commission was concerned about possible impact to the habitat if the work is done during key times and Doug replied that they have a work prohibition time period which falls outside of the June 1 to October 1 timeframe.
- I told Doug that the Commission had questioned the erosion controls and dewatering locations when the applicant submitted their application and they were told that those locations would be determined once the successful bidder had been selected. Should we have made it a condition of approval? His response was that this is a standard reply and that in certain instances, sensitive habitats do require conditions of approval. Doug's concern was the steepness of the slopes; that is why he is pushing for some information from the applicant before it went out to bid.
- Doug told me that he will keep me in the loop regarding any additional information.

Mrs. Hayes also noted that she spoke with Rick Osborne, Road Foreman for the Town of Kent, and he said that the Town would be putting it out to bid soon, however, it cannot be awarded until the Fisheries Division signs off.

The Commission decided to leave this item on the agenda for next month for information on the progress of the approval.

6. **NEW BUSINESS**

7. **COMMUNICATIONS TO THE COMMISSION**

A. **WRITTEN**

- 7.A.1. DEEP Permit Applications for the Use of Pesticides in State Waters for: Hilltop Pond; Rock Cobble Farm; South Spectacle Lake; and, Leonard Pond – Club Getaway
- 7.A.2. DEEP Permit Applications for the Use of Pesticides in State Waters for: Skiff Mountain Road at Marvelwood School; Thom Pond; and, Olivier Pond.

Mrs. Hayes noted that she reviewed these applications and added that the Commission is allowed to question some things, but not the pesticide or how much will be applied.

The Commissioners were concerned with the cattail removal in the Olivier application as well as the Rock Cobble Farm. The Commission asked Mrs. Hayes to write a letter to the DEEP asking for limited removal of the cattails because they are important for the wetlands habitat.

A. **VERBAL**

Ms. Werner stated that Rex Newton submitted a resignation letter to her. She added that she wrote back to him, but did not hear back from him yet on why he is resigning. The Commissioners agreed that if Rex Newton's resignation is finalized after speaking with Ms. Werner, then they would recommend that Fred Hosterman take his regular member position on the Commission.

Mrs. Hayes noted that she would place a blurb in the newsletter about needing a new alternate member for the Commission once she hears from Ms. Werner.

Ms. Werner then stated that she had a meeting with Darcy Winther and Bob Gilmore of the DEEP and there is a bill to legislature that would not allow the DEEP to monitor local Commissions. The DEEP claims that they have 20% of the staff that they used to have and it is not enough to function in that entity. Ms. Werner stated that she would be writing a letter to the DEEP asking that they continue to monitor the local Commissions. The Commission agreed that she should sign it as Chairman of the Kent Inland Wetlands Commission.

**ADJOURNMENT**

*Mr. Yagid moved to adjourn at 8:00 p.m. Mr. Yagid seconded and the motion carried unanimously.*

Respectfully submitted,



Jennifer Calhoun  
Land Use Clerk

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