

# TOWN OF KENT INLAND WETLANDS COMMISSION

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2016 JUL 27 A 10:20

BY *Donna Hayes*  
TOWN CLERK

## REGULAR MEETING MINUTES

The Kent Inland Wetlands Commission held a regular meeting on July 25, 2016 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, Scott Finucane, Fred Hosterman

Staff Present: Donna Hayes, Land Use Administrator

*Mr. Hosterman moved to elevate Mr. Finucane to voting status. Mr. Cieplik seconded and the motion carried unanimously.*

*Mr. Cieplik moved to add Modification to Permit #1060-13, Jared Stein for Frisch, 160 Kent Hollow Road, demo and additions to existing house. Modification to include: relocation and configuration change of proposed driveway; bluestone patio and fieldstone wall Map 16 Block 26 Lot 20 to the agenda. Mr. Finucane seconded and the motion carried unanimously.*

### 3. READING OF MINUTES OF PREVIOUS MEETINGS

#### 3.A. Regular Meeting Minutes, June 27, 2016.

Ms. Hayes commented that she had spelled Ms. Werner's name wrong. There were no other corrections.

*Mr. Cieplik moved to approve the Regular Meeting Minutes, June 27, 2016, with the one change to Ms. Werner's name. Mr. Hosterman seconded and the motion carried unanimously.*

#### 3.B. Special Meeting Minutes, July 11, 2016.

*Mr. Hosterman moved to approve the Special Meeting Minutes, July 11, 2016, as written. Mr. Cieplik seconded and the motion carried unanimously.*

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#### **4. APPLICATIONS**

##### **4.A. Application #1133-16, Tim Sneller, 40 Halls Lane, installation of inground pool, pool equipment, site work, Map 9 Block 22 Lot 47.**

Mr. Sneller was present to address the Commission. He explained that they wanted to add an inground pool at the back of the house. The pool will be approximately 24' from an intermittent/seasonal stream. Mr. Sneller presented some pictures and Ms. Werner commented that it looked like the stream runs hard when it is running. Mr. Sneller agreed but said that the stream usually only runs for about a month.

Ms. Werner asked if the pool could be placed elsewhere on the property and Mr. Sneller replied that the septic area is located in the front of the house and the rest of the property drops off at an angle. Ms. Werner asked if there was any way that topography lines could be added to the site plan as it was very difficult to understand the lay of the land. Mr. Sneller said that the deck would be removed, bringing the pool closer to the house. Ms. Werner said that it would be very helpful to provide the Commission and the file with the information about the land showing that the pool cannot be put anywhere else. Mr. Sneller said that could be done.

Ms. Werner asked if the stream was higher or lower than the pool location. Mr. Sneller said that in some places it is higher and in others it is lower. Ms. Werner asked if there was a pile of dirt and it rained hard which way would the dirt run. Mr. Sneller replied that it would run parallel to the stream and end up at the shed. Mr. Cieplik said that he has been at the property a couple of times and that there is a large drop off toward the septic at the front of the house.

Ms. Werner asked if Mr. Sneller was going to be removing any vegetation along the stream. He replied that he was not and that they were going to hand dig the fence posts. The fill that is removed for the pool itself will be placed under the old deck and a patio will be created in its place. Mr. Hosterman asked if any excess fill would be removed from the property. Mr. Sneller said that he did not think so and that the idea was to raise the pool higher and grade approximately 8".

Ms. Werner asked how far away the fence would be from the stream bed. Mr. Sneller said that it would be approximately 10' from the stream but if the Commission needed more space, he could accommodate that. Ms. Hayes commented that the pool equipment will be placed along the side of the house. Ms. Werner asked that it be shown on the plan.

Mr. Hosterman asked what the size of the pool would be. Mr. Sneller said that the pool will be 18' x 37'.

Ms. Werner asked if they would be driving over the stream. Mr. Sneller said that they would not.

Ms. Werner asked about the size of the patio. Mr. Sneller said that the patio will be approximately 3' wide around the pool itself with a larger patio at the house. Ms. Werner commented that should be added to the plan and that the disturbance would really be 21' from the stream. She continued by asking if the pool would have an impact on the stream and that the Commission does not usually approve anything that close to the stream. The issue for Mr. Sneller is that there really is no other place where the pool can be located on the property and having this demonstrated for the file would be a good thing.

Ms. Hayes said that she would like to visit the site and take some pictures. Mr. Sneller said that the surveyor would be coming to the property to stake the corners and would contact Ms. Hayes once that

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was done. Ms. Werner asked that Ms. Hayes contact the rest of the Commission members with the date of the visit in case anyone else would like to attend.

*Mr. Cieplik moved to continue Application #1133-16, Tim Sneller, 40 Halls Lane, installation of inground pool, pool equipment, site work, Map 9 Block 22 Lot 47 to the next regular meeting. Mr. Finucane seconded and the motion carried unanimously.*

**4.B. Application #1134-16, Town of Kent, Kenico Road realignment, Map 15 Block 22 Town Road.**

Mr. Rick Osborne, Town of Kent Road Foreman, was present to address the Commission. Mr. Osborne explained that at the bottom of Kenico Road they are proposing to take the hump out of the road and adjust the grade accordingly. Ms. Werner asked what the new grade would be and Mr. Osborne said he thought it was 14% but could get the actual grade from the engineer.

Ms. Werner asked if the water would run down the road and end up in the wetland area. Mr. Osborne said that water would continue just as it is now but would be able to get off the shoulders better. The swale would remain and the existing pipe would probably be replaced and lengthened.

Mr. Finucane asked if the grade would exceed what it is now. Mr. Osborne said that the grade would be less than what the steep grade is now.

Mr. Osborne explained that the curve in front of Mr. Sean Gilson's house would not be greatly impacted because there are underground utilities. The curve just past that area would be pulled in with minor cuts.

Ms. Werner asked if there are just wetland soils and no streams. Mr. Osborne replied that there are no streams, but some seasonal water does go through the pipe. Ms. Werner said that according to Mr. Handfield's email, the total acreage of the project would be 2.5 acres; total acreage of regulated area of disturbance would be 1.4 acres; and the total acreage of wetland disturbance would be .22 acres. She then asked if they planned on filling in the wetlands. Mr. Osborne said that they would be filling it in as indicated on the plan. Mr. Cieplik said that he does not see it as a problem because they would be improving the drainage and they would still have wetland soils. He continued that that area is the uphill side. There is some on the downhill but it is mainly dry. Ms. Werner asked if it was swampy and Mr. Cieplik replied that there is some skunk cabbage but it is not swampy.

Ms. Werner commented that the configuration being proposed is for increased safety but that the drainage is more diffused. Mr. Cieplik said that the drainage would be more spread apart. Mr. Finucane said that the drainage is eroded into a channel. Mr. Cieplik agreed and said that he thought this change would improve any erosion.

Mr. Osborne asked if Ms. Hayes had a copy of the wetlands report. She replied that she did not have it. Mr. Osborne said that he would provide her with one.

Ms. Werner asked if there was a rush to get this done. Mr. Osborne said that he did not think he would get to the road part this year and that he would start by cutting down the trees, then filling so that he could move the utility poles, stabilize that area and then finish the rest. Mr. Hosterman asked if the Tree Warden was involved with the marking of the trees. Mr. Osborne said that he was with him when the trees were marked but that most of them are ash and were diseased and/or dying. He will provide a count when he returns to the next meeting.

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Mr. Osborne also explained that out of the total fill of 13,000 CY, 3,000 CY is gravel that will be placed under the roadway.

*Mr. Cieplik moved to continue Application #1134-16, Town of Kent, Kenico Road realignment, Map 15 Block 22 Town Road to the next regular meeting. Mr. Hosterman seconded and the motion carried unanimously.*

## 5. OLD BUSINESS

- 5.A. Application #1132-16F, Adam Osborne for Nancy Wilsea, 211 Kent Hollow Road, forestry operation, Map 16 Block 27 Lot 1.

Mr. Cieplik commented that during the site walk it was very obvious that there would be no wetland crossings and the landing area is not near the wetlands on the property.

Having no further questions or concerns, the following motion was made:

*Mr. Hosterman moved to approve Application #1132-16F, Adam Osborne for Nancy Wilsea, 211 Kent Hollow Road, forestry operation, Map 16 Block 27 Lot 1. Mr. Cieplik seconded and the motion carried unanimously.*

- 5.B. Replacement of Carter Road Culvert over Kent Falls Brook

Ms. Hayes advised the members that the replacement of the Carter Road culvert has received all of its final signoffs and that construction was to begin on July 25, 2016. After review by the engineers, it was determined that some of the construction easements were not sufficient, so modifications are being sought. The new start is scheduled for August 8, 2016. Mr. Osborne agreed and said that was the request from the contractor.

Mr. Osborne told the Commission that the contractor wanted to change the diversion area from open stream to a closed pipe and asked if they would need to come back in for a modification. By changing to a pipe, the contractor thought there would be less disturbance to the area. Mr. Osborne said that by putting in a pipe, they would have a larger road area for the equipment. Ms. Werner said that it would seem that this would be less invasive and help with the water quality.

Mr. Osborne said the idea was proposed by the contractor but not yet approved by the engineer. If the engineer approves the idea, Mr. Osborne asked the Commission if they should come back for a modification. Ms. Hayes said that if they were increasing the impact they should come in for a modification. Ms. Werner said that she would like to see a letter in the file regarding this change if it is accepted. Mr. Osborne said that there would be a construction meeting tomorrow morning to talk about the adjustment to the easement.

Ms. Werner asked how long the project will take and Mr. Osborne said they were told 3 months. He feels that it is possible, but that the planting probably won't be done until the spring. There is a possibility that the road will be open but unpaved.

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- 5.C. Modification to Permit #1131-16, South Kent School Corporation, 0 Bulls Bridge Road, installation of artificial turf, modification to include the installation of field lighting, Map 6 Block 38 Lot 2.

Ms. Hayes explained that the location of three light poles falls within the regulated area and the School was applying for a modification to include their installation as part of the project. She added that the Planning & Zoning Commission had approved their installation via a special permit.

Ms. Werner asked about the use of the lights and Ms. Hayes explained that they would only be on for approximately 75 hours for the school season; they are programmed to turn on at a certain time, which will take approximately 30 minutes; they will shut off after approximately 1.5 hours; and the shut-off time will be instantaneous. She continued that a new schedule will have to be presented to the Commission for approval on a yearly basis and that any changes will require a modification to the special permit.

*Mr. Hosterman moved to approve Modification to Permit #1131-16, South Kent School Corporation, 0 Bulls Bridge Road, installation of artificial turf, modification to include the installation of field lighting, Map 6 Block 38 Lot 2. Mr. Cieplik seconded and the motion carried unanimously.*

## 6. NEW BUSINESS

- 6.A. Modification to Permit #998-11, Allied Engineering Associates, LLC agent for David and Allison Blitzer, 45 Kenico Road, construction of addition to existing main house, driveway reconfiguration and stone terraces. Modification to include, reduction in size of addition, reduction in size of garage, relocation and increase in size of courtyard, realignment of driveway alignment, retaining shed to contain pool equipment, proposal of new pool and spa, adjustment in location of enlargement of new pool terrace, increase size of bio-infiltration planting area, elevated educational boardwalk with wetlands restoration plantings and relocation of septic tank and pump chamber Map 15 Block 22 Lot 82.

Mr. Robert Gilchrist of Allied Engineering Associates and Ms. Tara Vincenta of Artemis Landscape Architects were present representing the property owners.

Ms. Werner said that when she first looked at this she felt that there was a significant increase to the impervious surface than what was originally approved. She specifically mentioned the new courtyard which Mr. Gilchrist said would be pea stone. Ms. Vincenta commented that the driveway would also be pea stone. Ms. Werner then pointed out the pool and the terrace. Mr. Gilchrist replied that the pool would be enlarged but to offset that, they were adding a considerable amount of biofiltration. The original plan had one area biofiltration and they were adding areas around the pool and along the water's edge. Ms. Werner asked if the beach was existing and was told that it was. The biofiltration area will be added to an area that is currently just lawn. There is also a buffer on the border of the wetlands, but they will be increasing its capacity. The intent is to minimize draining structures and to maximize sheetflow.

Mr. Hosterman asked if Mr. Gilchrist could explain what a biofilter is. He asked if there are specifications on how deep they have to be. Ms. Vincenta said that there was and that they were working with the engineers to determine its size. Ms. Werner asked if they could provide the specific calculations based on the increased runoff. Ms. Vincenta said that she did not think there would be that much of an increase in the runoff. Ms. Werner said that the pool and spa area is much larger. Mr. Gilchrist said that

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there will be no runoff from the pool. Ms. Werner agreed but said that there will be more hardscape. Ms. Vincenta said that they increased the biofilter areas around the pool to compensate for that.

Ms. Werner asked if the biofilter areas would be rain gardens. Ms. Vincenta said that they are. Mr. Gilchrist referred the Commission to the planting list and Ms. Vincenta explained the rationale for their choices.

Mr. Finucane asked if the boardwalk was part of the original approval. Mr. Gilchrist said no.

Mr. Gilchrist told the Commission that they are looking at approximately 1,000 square feet more of impervious surface. Ms. Vincenta said that they are providing a 10,000 sq. ft. increase in biofilter material. Ms. Werner asked if that is the industry standard. Ms. Vincenta said that it would not necessarily be an industry standard. She continued by saying that it could be an even exchange; 1,000 sq. ft. of pervious for 1,000 sq. ft. of impervious. Ms. Werner asked if it really worked that way. Ms. Vincenta said that it should. She continued that it is far more than it is required and that they are trying to provide a design that is ecologically friendly for the environment and the lake and a much more natural and native approach for the plantings on the property. This would be the vision going forward.

Mr. Cieplik said that he remembers the original site walk and there was plenty of ways to filter the water before getting to the lake but this plan increases those opportunities. Mr. Gilchrist agreed. Ms. Werner said that the Commission would normally receive some sort of calculations based on the pitch of the property. Mr. Gilchrist said that he would normally provide those calculations with the original application. He said that they considered this a minor modification and did not think those calculations would be necessary but would be more than happy to provide that information.

Ms. Werner asked about the boardwalk. Mr. Gilchrist explained that they will be installing the boardwalk using a less invasive approach called the "Chance Instant Foundation System for Walkways". He explained that the pilings are basically screwed into the ground. This system allows the elimination of removal of material and not compacting or shearing material. Mr. Finucane asked if it would be done by machine or hand. Mr. Gilchrist said that it would be done via a hand held machine like an auger. Ms. Werner asked for the dimensions of the walkway. Ms. Vincenta explained that they had a vision but no set dimension. They were thinking it would be approximately 4' wide but had no idea on the length. The purpose of the walkway would be educational but will also provide an opportunity to remove the invasives in the area. Ms. Werner said that in order for the Commission to act they would need the specifics in order to protect the area in the future. Ms. Werner asked when they planned to do the invasive removal. Mr. Gilchrist said that it would probably be done in the late fall. Ms. Werner asked if the walkway would be installed as they go along or after it was done. Ms. Vincenta said that it would hopefully be after. Mr. Gilchrist agreed and said that late fall would be the best time to install. Ms. Werner suggested that photos be taken of the invasives in the area. Ms. Hayes suggested that the boardwalk be submitted under a separate permit. Ms. Werner also asked for specifics on what is being planted in the area of the boardwalk. Both Mr. Gilchrist and Ms. Vincenta agreed.

Mr. Finucane asked if there was an erosion control plan. Mr. Gilchrist said that one had been submitted. Ms. Hayes said that the letter with request to modify explained that the existing erosion plan and it's supporting documentation would remain as submitted.

Ms. Werner asked if they could submit the additional information requested by the Commission. Mr. Gilchrist said that he would submit all that information. He asked if that would be made a condition of

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approval. Ms. Werner said that it would be best to have that information even though it seems to be over engineered.

With regard to the notes on the planting plan, Mr. Hosterman asked where they apply. Ms. Vincenta responded that they apply to the entire area. Mr. Hosterman questioned the validity of note #5. Ms. Vincenta said that these are notes that are recommended by the seed companies and are general notes. Mr. Hosterman asked if there were a specific area where this would apply or is just a suggestion of something that might be done. Ms. Hayes asked if they were general notes and not site specific. Ms. Vincenta agreed. Ms. Werner suggested that if it does not apply, it should be removed. Mr. Gilchrist said that on a lot of plans they add "best practices" notes for unforeseen situations. Mr. Hosterman added if the Commission should disregard this information. Mr. Gilchrist said that they could modify the notes for this application.

Ms. Hayes asked for timing. Mr. Gilchrist said that he did not want to speak for the owner or the architects, but he believed that they would start sometime this year. Ms. Hayes suggested that, since they were getting close to the expiration date of the permit, it might be a good idea to ask for an extension. Ms. Vincenta said that their intention would be to start this fall. Mr. Gilchrist said that the permit will expire in November of this year. Ms. Werner said that if they find out after speaking with the property owners that the work will be starting later than anticipated, they could come back for the extension. Ms. Hayes stated that they could make their formal request when they come back in August with their application for the boardwalk. Both Mr. Gilchrist and Ms. Vincenta agreed.

*Mr. Cieplik moved to approve Modification to Permit #998-11, Allied Engineering Associates, LLC agent for David and Allison Blitzer, 45 Kenico Road, construction of addition to existing main house, driveway reconfiguration and stone terraces. Modification to include, reduction in size of addition, reduction in size of garage, relocation and increase in size of courtyard, realignment of driveway alignment, retaining shed to contain pool equipment, proposal of new pool and spa, adjustment in location of enlargement of new pool terrace, increase size of bio-infiltration planting area, elevated educational boardwalk with wetlands restoration plantings and relocation of septic tank and pump chamber Map 15 Block 22 Lot 82 with the conditions that drainage calculations for the increase in the impervious surface be presented before work begins; that the installation of the boardwalk and wetlands restoration be submitted to the Commission under a separate and new permit; and that the notes on the planting plan be edited to reflect this specific plan. Mr. Hosterman seconded and the motion carried unanimously.*

- 6.B.** Modification to Permit #1060-13, Jared Stein for Frisch, 160 Kent Hollow Road, demo and additions to existing house. Modification to include: relocation and configuration change of proposed driveway; bluestone patio and fieldstone wall Map 16 Block 26 Lot 20.

Ms. Hayes explained that no one was present to address the Commission and she explained what they planned on doing. During the discussion it was determined that there was not enough information submitted on the plan to indicate what the driveway's new distance to the stream would be. It was suggested that the new plan be superimposed on the original plan so that the Commission has a better idea of the location of the changes.

*Mr. Cieplik moved to continue Modification to Permit #1060-13, Jared Stein for Frisch, 160 Kent Hollow Road, demo and additions to existing house. Modification to include: relocation and configuration change of proposed driveway; bluestone patio and fieldstone wall Map 16 Block 26 Lot 20. Mr. Finucane seconded and the motion carried unanimously.*

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7. COMMUNICATIONS TO THE COMMISSION

A. WRITTEN

No action taken.

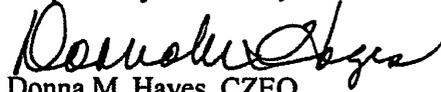
B. VERBAL

No action taken.

8. ADJOURNMENT

*Mr. Cieplik moved to adjourn at 8:17 p.m. Mr. Finucane seconded and the motion carried unanimously.*

Respectfully submitted,



Donna M. Hayes, CZEO  
Land Use Administrator

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