



RECEIVED

By Darlene Brady at 9:58 am, Nov 06, 2023

Kent Conservation Commission
Wednesday November 8, 2023 @6:30pm
Agenda

Join Zoom Meeting

<https://us02web.zoom.us/j/83813007210?pwd=Z0RCUGxEaitFbnJ2ZGpydzNrOVljZz09>

Meeting ID: 838 1300 7210 Passcode: 018405

1. Call to order
2. Accept/Amend Agenda
3. Accept/Amend Minutes of Regular Mtg. October 11, 2023
4. Treasurer's Report
5. Public comment

6. Old Business:
 - Discussion items
 - A. Street Trees
 - i. tree warden's catalogue of town trees
 - ii. other town's sponsored tree planting programs
 - iii. Swift Lane Proposal
 - iv. Kent Street Tree Planting Program
 - B. Report on Farmer Protection Ordinance Revisions.
 - C. Materials Management in Kent –SAYT/organics recycling_report Oct 25th Trash Talk
 - D. POCD - Planning & Zoning revisions re: open space set asides

 - Updates (as needed):
 - E. Kent Municipal Open Space Acquisition "Fee in lieu of Open Space" regulation
 - F. Green Energy Task Force
 - G. Housatonic Herbicide Working Group HHWG
 - H. Sustainable CT
 - I. Regional Recycling Task Force

7. New Business:
 - A. Succession Planning

8. Correspondence / Upcoming Events
 - A. CACIWC Annual Mtg. Saturday, November 11

9. Adjourn



TOWN OF KENT
Conservation Commission
Regular Meeting Minutes
Wednesday, October 11, 2023 @ 7:00pm

In attendance:
Melissa Cherniske
Carol Franken
Connie Manes
Wendy Murphy
Jos Spelbos

Members of the Public Attending:
Lynn Harrington
Lynn Worthington

Call to order

1. A quorum being present, Commission Chair Connie Manes called the meeting to order at 7:04 pm.
2. Accept/Amend Agenda. *Upon a motion by Melissa Cherniske seconded by Carol Franken, the Commissioners voted unanimously to accept the agenda.*
3. Accept/Amend Minutes of Regular Meeting September 13, 2023. The minutes were amended to correct line 2 under item 7B. that Bruce Bennett is working with Rick Osborne to identify trees **throughout the town** that may need to be removed for safety and other reasons (e.g., dead ash and trees irreversibly damaged by spongy moth). *Upon a motion by Melissa seconded by Carol the Commissioners voted unanimously to accept the minutes with this amendment.*
4. Accept/Amend Minutes of Special Meeting September 28, 2023. The minutes were amended to correct item 4A. to reflect that the trees were proposed to be planted on **Bridge Street**, and that **Bruce said the Town Crew had volunteered to do the watering.** *Upon a motion by Melissa seconded by Carol the Commissioners voted unanimously to accept the minutes with these amendments.*
5. Treasurer's Report. None.
6. Public Comment. None.
7. Old Business.
Discussion items
 - A. Purchase of Street Trees. Connie referred to the materials forwarded prior to the meeting including Jos and Bruce Bennett's proposal delivered and discussed at the last two meetings, records from Liddy showing the process and parameters used by the Commission in its past tree planting initiatives, examples from other Connecticut towns that have town-sponsored tree planting programs, and an email from Bruce to Jos.

These are draft minutes. Corrections may be made by the Committee at a subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

Jos reported that the proposed site for tree planting was on private property. The Commissioners discussed issues of fairness if the trees and planting costs were provided to the private owners free of charge when earlier the Commission had required private owners to contribute 50% of the cost. Commissioners further discussed the benefits of gaining the engagement and commitment of private owners by requiring their written agreement to maintain the trees, as had been done in the past and was a customary part of other towns' programs.

The Commissioners discussed the desirability of having neighbors come together around a plan for their street's trees. There was interest in creating a plan for the Village, perhaps as an outgrowth of Bruce's catalog of the town's trees. The Commission will continue to develop its street trees program in the November meeting, which Bruce will attend. The Commissioners discussed the Kuga Fund and its possible uses; the prevailing opinion is that the street trees program should not spend down all the assets in the fund but take a more incremental approach.

Wendy made a motion to ask the private owners to contribute 50% of the cost of the tree planting and sign an agreement using the form the Commission has used in the past, and if the owners are willing to do this, to go ahead with the tree planting as proposed. Carol seconded the motion. There were equal votes for and against, and the motion failed.

- B. Report on Farmer Protection Ordinance Revisions. The Board of Selectmen meeting wherein the revised ordinance was to have been discussed was cancelled. The revisions are on the agenda for tomorrow night's Planning and Zoning Commission meeting.

Updates

- C. Materials Management in Kent – SAYT / organics recycling. A "Trash Talk" to discuss the program and take questions from the community is scheduled for Wednesday, October 25th at 6pm (zoom link: <https://us02web.zoom.us/j/83650926512?pwd=c1c4b3Bza2ZlVXhSckRvL0hIMW9ZZz09>).
 - D. Kent Municipal Open Space Acquisition. The P&Z meeting tomorrow night will continue the discussion of how it will implement its "Fee In Lieu of Open Space" regulation. The Commission needs to discuss further how an ordinance providing for a Land Acquisition Fund could supplement funds accrued through this regulation.
 - E. Green Energy Task Force. No update.
 - F. Housatonic Herbicide Working Group. No update.
 - G. Sustainable CT. No update.
 - H. Regional Recycling Task Force. No update.
 - I. POCD – Planning & Zoning Regulations Updates; Chapter reviews. Jos reported that the Planning and Zoning Commission has begun discussing revisions to its subdivision regulations. The Commission plans to take additional time in its review and to solicit input from various groups (which may include the Conservation Commission) before publishing a second draft. Jos asked the Commissioners to read through the portions of the draft concerning open space set asides prior to the November meeting.
8. New Business.
- A. KCC 2024 Meeting Calendar. The Commissioners reviewed the proposed 2024 meeting dates distributed prior to the meeting. *Upon a motion by Melissa seconded by Wendy the Commission unanimously approved the meeting dates. Connie will file the schedule with the Town Clerk.*

These are draft minutes. Corrections may be made by the Committee at a subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

9. Correspondence.

A. CACIWC Annual Meeting Saturday, November 11, 2023.

10. Adjourn. *There being no further business before the Commission and upon the motion of Wendy seconded by Melissa the meeting was adjourned.*

NEXT REGULAR MEETING: Wednesday November 8th @ 6:30pm

Respectfully submitted by: Connie Manes, Chair

These are draft minutes. Corrections may be made by the Committee at a subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

41 Kent Green Boulevard, P.O. Box 678 Kent, CT 06757-0678

Phone: (860) 927-4627 ☐ Fax: (860) 927-1313 www.townofkentct.org

11.5.23 Clean Copy Revisions with P&Z changes marked

Chapter 6: Conservation Commission

Section 5.2: Protection of Farms and Farmers from Nuisance Claims

1. **Purpose and Intent.** Agriculture is a significant part of the Town of Kent's heritage, its rural character, and may constitute a vital part of the Town's future. It is therefore the declared policy of the Town of Kent and legislative determination of the Kent Board of Selectmen to conserve and protect agricultural land and to encourage agricultural operations and the sale of local farm products within the Town. It is the purpose and intent of this ordinance to promote and advance the Town's policy and reduce the loss of local agricultural resources by limiting circumstances under which any such operation may be considered a nuisance. It is hereby further legislatively determined that whatever impact may be caused to others through normal agricultural practices, such impact is offset and ameliorated by the benefits of farming to the neighborhood, community, and society in general. Methods of farming that comport with generally accepted farming practices are also deemed to comport with community standards at large.

This ordinance is enacted for the protection of farms and farmers. It is not the purpose of this ordinance to create an avenue for complaints to be made against farmers which could not be made against non-farmers. It is protective, not punitive, in its application. It does not provide a process for and may not be used as an affirmative right to bring nuisance claims or grievances including but not limited to those related to noise, odors, dust or fumes, the storage or use of buildings and equipment.

This ordinance aligns with statewide policy codified in Connecticut General Statutes Section 19a-341, as may be from time to time amended. This ordinance is not to be construed as modifying or abridging state law relative to the abatement of nuisances, nor shall it supersede applicable health, safety, fire, life safety or building codes and regulations operable statewide or within the municipality of Kent.

2. **Declaration.** No present or future Agricultural Operations conducted or maintained in a manner consistent with accepted customs and standards of the agricultural industry, on a ~~recognized~~ farm which is engaged in the ~~act of farming~~ Agriculture and Agricultural Operations as defined in this ordinance, shall become or be considered a nuisance ~~solely because such activity resulted or results in any changed condition of the use of adjacent land.~~ Agricultural Operations may occur on holidays, weekends and weekdays by night or day, provided such activities do not violate applicable health, safety, fire, life safety or building codes and regulations.

It is herein understood that such Agricultural Operations may result in, for example but without limitation:

- a) The incidental noise from livestock or farm equipment;
- b) Odors from livestock, manure, fertilizer, compost, agricultural end-products, or feed;
- c) Dust and fumes created during plowing or cultivation operations
- d) The use of agricultural chemicals, pesticides and fertilizers including manure, provided such chemicals and the method of their application conform to practices approved by the Commissioner of the Department of Energy and Environmental Protection, or, where applicable, Commissioner of Health Services; and
- e) Irrigation and water management associated with normally accepted farming practices.

3. **Definitions.** "Agriculture" means cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring

11.5.23 Clean Copy Revisions with P&Z changes marked

for, training and management of livestock, including horses, bees, poultry, fur bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale.

“Agricultural Operations” means activities relating to agricultural use including, but not limited to, the cultivation and tillage of soil, the burning, processing, or composting of agricultural waste products or other agricultural burning, processing or composting, provided that such composting activity shall not be the sole or primary agricultural operation, protection of crops and livestock from insects, diseases, birds, predators or other pests from damaging or potentially damaging crops, the proper and lawful use of agricultural chemicals including but not limited to the application of pesticides and fertilizers, or the raising, production, irrigation, pruning, harvesting, or processing of an agricultural commodity, including any type of crop or livestock, and any forestry improvements and timber harvesting and processing. Such operations also include the operation and transportation of farm equipment over roads within the Town and conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided the activities are related to marketing the agricultural output or services of the farm and local produce and livestock products and provided same do not conflict with any provisions of the zoning regulations. For purposes of this ordinance, such operations do not include the slaughtering of animals not raised on the premises where they are to be slaughtered.

“Farm” means land used primarily for agricultural activities including: agriculture, nurseries, orchards, ranges, forestry, nursery or truck gardening, or for raising or keeping of livestock and fowl but excluding the raising of animals for laboratory use or for their fur, farm buildings and accessory buildings thereto including barns, silos, greenhouses, hoop houses and other temporary structures or other structures, and as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities.

“Locally” for the purposes of this ordinance shall mean all Connecticut counties as well as Dutchess, Columbia and Putnam Counties in New York; and Berkshire County in Massachusetts.

History: Adopted originally as Right to Farm Ordinance on May 1, 2015, effective June 3, 2015. Revised [date].

From: Bill & Catherine Bachrach <bachrach125@gmail.com>
Sent: Tuesday, October 31, 2023 9:55 AM
To: connie
Cc: brenda crossley; Tegan Gawel
Subject: Conservation Commission Trees

Good morning, Connie,

Bill and I are visiting family in South Carolina for the week but I saw the GTD article about tree placements and have a proposition/offer.

My brother, Hal, a Kent native and HVRHS graduate, recently died after a long struggle with Alzheimer's. His wife and I talked about planting a tree in his memory and because of my long involvement with Templeton Farm, I was in touch with administrator Brenda Crossley and Board president Tegan Gawel about planting a tree on the Templeton side of Swift Lane, which would eventually shade the street, new shuffleboard court there and the end of the middle building.

Luke Soule, whose two grandmothers lived at Templeton until their deaths, looked at the site with me and agreed it was an appropriate location. We talked about the possibility of a linden tree. As with past plantings of trees on the Templeton property (at least six or seven trees following major building improvements around 2006) we will take responsibility for watering, etc.

Brenda is willing to check out sewer and utility lines at the location. If this can be considered as one of your sites, our family is more than willing to pay at least half of the cost involved, which looks like it might be \$700 or thereabouts.

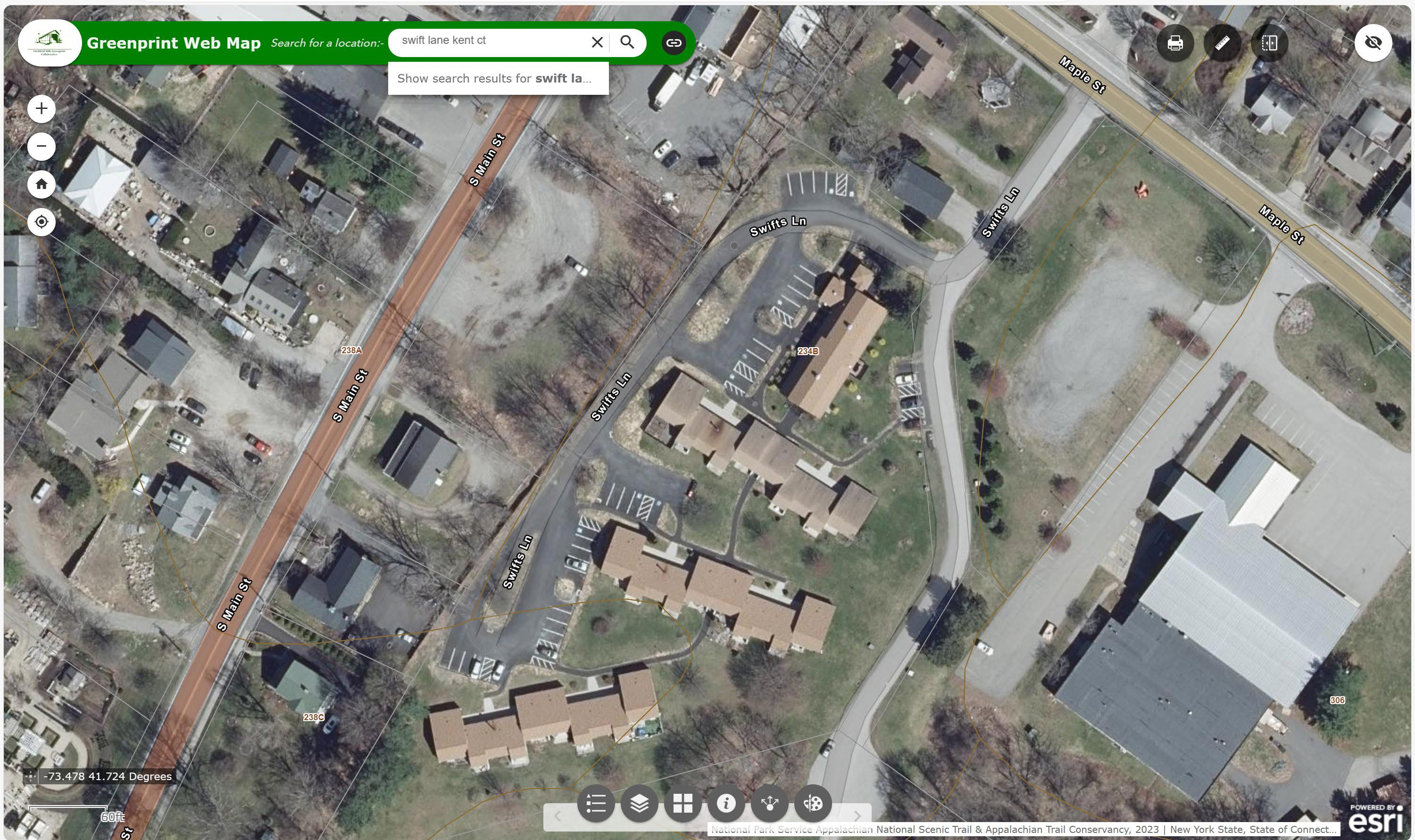
Please let us know if this might work, and feel free to share this email.

Best, Catherine

Sent from my iPad

Greenprint Web Map Search for a location:- swift lane kent ct

Show search results for **swift la...**



Map navigation controls: zoom in (+), zoom out (-), home, and location pin.

Map utility icons: print, measure, and full screen.

-73.478 41.724 Degrees

Map layer and tool icons: layers, grid, info, and share.