

TOWN OF KENT INLAND WETLANDS COMMISSION

41 Kent Green Boulevard
P.O. Box 678
Kent, CT 06757
Phone (860) 927-4625 Fax (860) 927-1313

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REGULAR MEETING MINUTES

The Kent Inland Wetlands Commission held a regular meeting on October 24, 2016 at 7:00 PM in the Kent Town Hall, 41 Kent Green Boulevard, Kent, CT.

1. CALL TO ORDER Ms. Werner called the meeting to order at 7 PM.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES, IF REQUIRED

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

3. READING OF MINUTES OF PREVIOUS MEETINGS

3.A. Regular Meeting Minutes, September 26, 2016. Ms. Smith made a motion to approve the Regular Meeting Minutes, September 26, 2016, as written. Mr. Cieplik seconded and the motion carried unanimously.

3.B Mr. Yagid made a motion to add Application 1142.16, South Kent Partners, LLC, 314 South Kent Road, building addition and septic repair. Map 12, Block 38 lot 2. And application 1143.16, The Kent School, 1 Macedonia Road, construction of squash court, Map 3, block 9, lot 25. Ms. Smith seconded and the motion carried unanimously.

4. APPLICATIONS

4.A. Application #1141-16F, James E. Gillespie for Richard James & Robert James, 164 Carter Road, proposed forestry operation, Map 15 Block 22, Lots 14, 15, 16, 17, 18. Mr Hosterman recused himself. He is a neighbor of the property. James Gillespie, Registered Forester, was present to address the Commission. Mr. Gillespie stated that all 5 lots were recently purchased. Mr. Gillespie explained the map of the lots showing color codes and legend. The harvest areas are also labeled "Savannah Forest". Mr. Yagid asked if the harvest was just in the Savanna Forest area. Mr. Gillespie stated that it is. There was some confusion with 2 separate maps, one showing the harvest area outlined in yellow and the

other from Mr. Gillespie showing the harvest area in green. Ms. Werner stated that the Commission would need a single map that is complete and accurate for the file. Ms. Smith stated that the map of the harvest area also must agree with the map legend. Mr. Gillespie agreed that, at this point, the map did not and he would redo the map with better colors and correct legend as requested.

Ms. Werner asked if there were any wetlands, streams, or stream crossings on the property. Mr. Gillespie stated that there were not. The stream on the map was Kent Falls Brook and was well off of the property and part of the Weantinoge Land Trust. Ms. Werner stated that the map shows stream setbacks that are well outside of the harvest area. Mr. Gillespie pointed out that the harvest area was about 3½ acres. Mr. Gillespie pointed out that one area on the map showed an old harvest area where the trees were cut and left. He stated that he would clean up that area. Ms. Werner asked if there would be any clear cutting. Mr. Gillespie stated that there would not be. He would leave some "high vigor" sugar maples and white birch in the understory to grow.

Ms. Werner asked how many trees would be harvested. Mr. Gillespie stated that about 74 saw timber trees 12 inches or more and about 200 pole size trees 4 to 12 inches. He stated that the trees would be taken to a staging area and hauled out to Carter Road using the existing driveway. The driveway would be extended into the woods a short distance with anti-tracking pads. Mr. Gillespie also stated that he met with Ms. Mary Beth Tracy of the Weantinoge Land Trust, which holds the conservation easement on the property. Ms. Tracy stated in a letter to the Commission that the gross harvest is outside of the easement area. Mr. Gillespie also stated that all tree tops and slash would be chipped and hauled off of the site for mulching. Ms. Werner asked how many truck loads would be needed for the harvest. Mr. Gillespie stated that about 15 truck loads and he would follow up at the next meeting with a more accurate number of pole size trees.

Ms. Werner stated that the Commission needed to schedule a site visit which is usual for all forestry applications. A site visit is scheduled for November 13, 2016 at 9 AM.

Ms. Smith moved to table Application #1141-16F, James E. Gillespie for Richard James & Robert James, 164 Carter Road, proposed forestry operation, Map 15 Block 22, Lots 14, 15, 16, 17, 18 to the next regular meeting. Mr. Cieplik seconded and the motion carried unanimously.

4.B. Application 1142.16, South Kent Partners, LLC, 314 South Kent Road, building addition and septic repair. Map 12, Block 38 lot 2. Mr. Albert Garrett and Mr. Scott Lukowski, engineer were present to address the Commission. Mr. Garrett explained that a new 1500 gallon septic tank was installed recently but the old leaching field needed to be upgraded because of the apartment in the building. Ms. Werner asked if there was a need to increase capacity of the system. Mr. Lukowski explained that the current system is simply an old pipe in the ground so

a leaching field was needed. The building was built in the 1800's. Ms. Werner asked that the map be explained as to the location of the house. Mr. Garrett explained that the building houses the South Kent Post Office and 4 bedroom apartments. He also stated that they plan a 10 foot by 14 foot addition to the footprint of the building but no closer to the wetlands. Ms. Werner asked where the regulated area boundaries were. Mr. Garrett pointed out the 100' and 200' setbacks showing that the work is entirely within the regulated area. He also pointed out the property boundaries and the location of Hatch Pond and railroad tracks.

Ms. Werner asked the distance of the leaching field to the wetlands. Mr. Lukowski stated that the distance was 88 feet to the wetlands. Ms. Smith pointed out the stream that crosses South Kent Road. Mr. Garrett stated that the the leaching field was 75 feet from the stream.

Mr. Garrett read a letter from Ms. Cathy Weber of Torrington Area Health stating that if may be necessary to approve an emergency repair since the septic tank is not draining to the leaching field necessitating immediate repair. Ms. Werner agreed that approving the application would make the situation better.

Mr. Lukowski added that they would be adding a catch basin on the property in the paved driveway to avoid ponding and freezing in the winter. Mr. Yagid asked where the discharge would be. Mr. Lukowski stated that it would be discharging to the air where it now drains. Mr. Yagid asked if there is currently any erosion. Mr. Lukowski stated that it was in a trench that is part of the lawn which has grass so there is no erosion.

Mr. Yagid asked if the current system has failed. Mr. Lukowski stated that the system is "surcharging in the tank" and not draining. They opened the tank with Ms. Weber present and the outlet pipe or baffle top could not be seen so it was not draining. There should be an 8 inch space above the baffle top. Mr. Yagid asked if there would be fill brought in. Mr. Lukowski stated that he did not anticipate needing any fill.

Ms. Smith made a motion to approve application 142.16, Map 12, Block 38, lot 2 as an emergency repair with the understanding the the activity is not legal until 14 days after publishing in the newspaper. Mr. Cieplik seconded and the motion carried unanimously.

4.C. Application 1143.16, The Kent School, 1 Macedonia Road, construction of squash court, Map 3, block 9, lot 25. Mr. Joseph Wolenski, Facilities Director for Kent School and Nicholas Clark with Spath Bjorklund were present to address the Commission. Mr. Wolenski explained that the current squash court needs to be of international dimensions in order for the school to be competitive in the market.

Ms. Werner asked that they explain the project. Mr. Clark explained that the new squash court would be attached to the existing tennis building by a lobby area within the 200 foot regulated area. He continued that the new building would be one foot above the 100 year flood line (373.50 feet). First floor of the squash building will be at 374.50 feet. Ms. Werner

asked what was between the river and the front of the building. Mr. Clark said that there are 2 tennis courts which would be removed and a parking lot would be constructed in their place. Mr. Yagid asked what the surface of the parking lot would be. Mr. Wolenski stated that the surface would be impervious with new a new drain connecting both the tennis and squash buildings with an oil/water separator connecting to an existing pipe for discharge. Roof drains from both buildings would go to 6 foot deep dry wells. Water caught in dry wells would slowly percolate out. Ms. Smith asked Mr. Clark to explain the separator. Mr. Clark stated that the oil/water separator is a modified concrete septic tank with baffles that would separate the oil and water. The tank would be maintained periodically by pumping it out. The proposed separator would connect both the old and new parking areas improving how the runoff is currently handled. Ms. Werner asked when the project would begin. Mr. Clark stated in March. Ms Werner suggested that Donna Hayes, Land Use Administrator would be in touch to review the plan as we may have other questions. Also, that the town engineers may want to review the plan as well. Mr. Yagid asked about erosion control and staging area. Mr. Clark stated that the erosion controls and staging area are outlined on the large map and set of plans. He also stated that there would be sediment traps, anti-track pads and the entire area will be fenced. Mr. Yagid also asked if there would be any fill needed. Mr. Wolenski stated the the building is prefabricated so they don't think so. Ms. Werner asked how they plan to deal with a flood and how it would change the velocity of the water downstream. Mr. Clark said the building is only 12,000 sq. ft. so they don't see any problem or increase in velocity because of the building.

Mr. Yagid moved to table Application 1143.16 Map 3, block 9, Lot 25 to the next regular meeting. Ms. Smith seconded and the motion carried unanimously.

5. OLD BUSINESS

5.A. Application #1137-16, William Gawel for Drew Taraian, 0 Macedonia Road, construction of bridge across Bog Hollow Brook, Map 3 Block 4 Lot 2. Drew Taraian was present to address the Commission.

Ms. Werner mentioned the letter from Anchor Engineering, the Town of Kent's Engineer, recommending additional information including Hydrologic and Hydraulic Analysis for the proposed bridge structure. She asked if Mr. Taraian was filing a new application. Mr. Taraian stated he would do whatever it takes and that he didn't have the complete file which approved the bridge since 1987. The application ran out just before his purchase of the land. He was under the impression at closing that all permits were in place. He didn't know of the expired application until Mr. Gawel started construction. Mr Taraian spoke with Bruce Adams, First Selectman and they looked at the permit file which he felt had supporting information for the application. Mr. Taraian showed the map he received at closing and found it was a septic plan for the Bishop's house at the front of the property. Ms. Werner said that the question now is about the bridge and whether or not it will sustain the amount of water that flows through it.

Mr. Yagid mentioned the disturbance area on the application and that it did not appear adequate for the extent of the construction work proposed. Ms. Werner also mentioned that the hydraulics for the proposed bridge structure must meet current CT DOT Drainage Manual specifications.

Ms. Smith stated that the application which has been continuously renewed appears to have been for the house and not the bridge. Mr. Yagid stated that he had an issue with the drainage and runoff. The Commission had walked the path to the bridge and homesite at an earlier date. Ms. Smith asked if this was two separate applications and stated that the Commission walked the site years ago and the bridge work never came up even though this is the application that expired. Ms. Smith also stated that regulations have changed so any new application must meet new regulations. In looking at the file, a 2006 application was found but unclear if this was the correct application. Ms. Werner stated that an engineer might need more information for the application packet. Mr. Hosterman asked what Ms. Werner's concern was. Ms. Werner stated she wanted to see just what was approved in the 2013 application. Mr. Taraian noted a 2015 file. Mr. Yagid stated that this application, which was valid until July 23, 2015, was for the property and not the bridge. Mr. Taraian stated again that he was led to believe that all permits were in place. Ms. Werner stated that we need to review the 2013 information and what carried forward. Mr. Taraian asked if Ms. Hayes could help. Ms. Werner stated that Ms. Hayes could help so he wouldn't have to redo the entire file. Mr. Hosterman stated that, unfortunately, what the engineer said was done in 1987 might not necessarily apply to the current situation. Ms. Werner stated that it might need some adjustment.

Mr. Taraian asked that if the application was OK through 2015 and then lapsed would the Commission consider approving. Ms. Werner stated that he would have to submit another application. Mr. Taraian felt he did that last month. Ms. Werner stated that yes, but there was not enough information and that he may need to hire someone to provide the additional information. Ms. Smith felt the issue partly related to whether Anchor Engineering had all the information. Since it goes back to the late 80's and 90's the information might not hold up to the new regulations.

Mr. Cieplik found different applications were renewed in 2012 for the dwelling. Another application for 2007 was renewed in 2012. It showed an application to construct driveway and bridge across Bog Hollow Brook was again renewed in 2013 and 2015. The file and finding appropriate applications is very confusing. Ms. Werner stated that if a new application is needed Mr. Taraian should meet with Ms. Hayes to find pertinent data. Mr. Taraian asked if he would be able to continue. Ms. Werner stated absolutely. If we are able to solve the situation Mr. Taraian may be able to resubmit without a fee but State of CT regulations may have changed requiring action. Extension of the application may be done with the applicant's

permission. Mr. Taraian stated that he just wanted a bridge. Ms. Werner stated that the Commission and Ms. Hayes would certainly work with him.

Ms. Smith moved to table Application #1137-16, William Gawel for Drew Taraian, 0 Macedonia Road, construction of bridge across Bog Hollow Brook, Map 3 Block 4 Lot 2 to the next regular meeting. Mr. Yagid seconded and the motion carried unanimously.

5.B. Application #1138-16, Virginia Bush-Suttman, 8 Bluff Road, construction of 12' x 20' single car garage, Map 19 Block 15 Lot 38. Ms. Virginia Bush-Suttman was present to address the Commission. Ms. Werner stated that we received a letter from the Housatonic River Commission stating that have no problem with the building as proposed. Ms. Bush-Suttman detailed a tiny shift in the location of the silt fence and that she needs to turn the garage 90 degrees. Ms. Werner asked why. Ms. Bush-Suttman stated that the move allows her to more safely back out of her garage without having to back onto the neighbor's property.

Mr. Yagid moved to approve Application #1138-16, Virginia Bush-Suttman, 8 Bluff Road, construction of 12' x 20' single car garage, Map 19 Block 15 Lot 38. Ms. Smith seconded and the motion carried unanimously.

5.C. Application #1139-16, Richard B. Rosiello for Jed Hart, 91 Mountain Road, construction of tennis court, Map 11 Block 40 Lot 77. No one was present to address the Commission. Ms. Werner stated that the application to construct a tennis court was withdrawn since, according to the email, the tennis court was moved 15 feet out of the regulated area. Upon reviewing the maps by the Commission, the regulated area boundaries were not shown nor was the new position of the tennis court outside of the regulated area as stated by the applicant. Ms. Werner stated that we have no way of knowing the locations with the information presented. The Commission agreed and to ask Ms. Hayes to verify that there is no need for an application and provide that information for the file. Mr. Yagid moved to accept the withdrawal of Application #1139-16 pending verification that the application is not needed. Mr. Hosterman seconded and the motion carried unanimously.

6. NEW BUSINESS

6.A. Creation of Interview Subcommittee – Part Time Land Use Clerk

Ms. Smith agreed to participate in the interview committee. Mr. Yagid moved to approve creation of an interview subcommittee for the hiring of a part-time land use clerk to consist of: Ms. Smith and possibly others. Mr. Hosterman seconded and the motion carried unanimously.

7. COMMUNICATIONS TO THE COMMISSION.

A. WRITTEN

7.A.1.

Actual vs Budget, FY '16 – '17 No action taken.

B. VERBAL No action taken.

8. ADJOURNMENT

Mr. Yagid moved to adjourn at 8:14 p.m. Ms. Smith seconded and the motion carried unanimously.

Respectfully submitted,
Eric Cieplik, Secretary
Inland Wetlands Commission

Kent Inland Wetlands Regular Agenda 10/24/16

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.

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