

COLCHESTER CONSERVATION COMMISSION
Regular Meeting Wednesday, OCTOBER 9, 2013
Town Hall, 127 Norwich Avenue, Room 2
Minutes of Meeting

MEMBERS PRESENT: Falk von Plachecki, Chairman; Kurt Frantzen, Vice Chairman; Moe Epstein, and Sue Bruening (arrived at 7:03 p.m.) and Alternates: Ericka Fuery and Andrew George; Staff: Wetlands Enforcement Officer: Jay Gigliotti and Gail Therian, Clerk

MEMBERS ABSENT: Darrell York; Jim Ford, Board of Selectmen Liaison

A. Call to Order and Open Public Hearing 7:00 p.m.

- A **W2013-2963-** Application to revise the Town of Colchester's Inland Wetland and Watercourse Regulations. Revisions to the regulations are the suggested Regulation and Legislation Advisories as published by the CT DEEP.

Chairman von Plachecki said that the Public Hearing would not be heard at this meeting due to a procedural error. This Public Hearing will be scheduled for the November 13, 2013 meeting.

B. CALL REGULAR MEETING TO ORDER

Chairman von Plachecki called the Regular Meeting to order at 7:01 p.m. E. Fuery and A. George were seated as voting members.

C **ADDITIONS TO AGENDA** – None

D. **APPROVAL OF MINUTES** – Meeting Minutes of September 11, 2013 and Special Meeting September 30, 2013

Regular Meeting September 11, 2013

Special Meeting September 30, 2013

Motion by K. Frantzen, seconded by M. Epstein to table the approval of the minutes of the September 11, 2013 and the Special meeting minutes of September 30, 2013 to the next meeting. **Motion carried unanimously.**

Chairman von Plachecki noted that member S. Bruening had arrived and A. George stepped down as voting member.

E. **PUBLIC COMMENT** – None

F. NEW APPLICATIONS

- A. **W2013-2962-** Selective Timber Harvest on Ashburn Family Trust Property, Assessor's Map 2-14 Lot # 10, located off the unimproved portion of Usher Swamp Road, 45 Acres of the total 77 Acres to be harvested, x2 Stream Crossings with portable bridges, As-of Right Activity per Section 4 of the Town of Colchester's Inland Wetland and Watercourse Regulations.

J. Gigliotti explained the location of the site and the two proposed crossings. He said that the property is 77 acres of which 45 acres will be harvested. He explained that there would be two (2) stream crossing and portable bridges would be used to cross these streams. He said that the logging will take place in the Upland Review Areas. A stone tracking pad will be in place where the log trucks will be entering and exiting the property on Usher Swamp Road. Chairman von Plachecki verified that there is a signed agreement with Mr. Cirillo to cross over his land. Discussion followed.

Motion by K. Frantzen, seconded by M. Epstein to accept **W2013-2962-**Selective Timber Harvest on Ashburn Family Trust Property, Assessor's Map 2-14 Lot # 10, located off the unimproved portion of Usher Swamp Road, 45 Acres of the total 77 Acres to be harvested, x2 Stream Crossings with portable bridges, As-of Right Activity per Section 4 of the Town of Colchester's Inland Wetland and Watercourse Regulations.

Motion by K. Frantzen, seconded by M. Epstein to amended the original motion to accept and recognize W2013-2962 as an as-of right activity. **Motion carried unanimously.**

Vote was taken on the amended original motion. **Motion carried unanimously.**

RECEIVED
COLCHESTER, CT
2013 OCT 10 PM 2:14
NANCY A. BRAY
TOWN CLERK

G. PENDING APPLICATIONS

- A. **W2013-2961**- 225 Chestnut Hill Rd, Gary Sousa-Applicant, Leonard & Paulette Sousa-Property Owners, Assessor's Map 4E-05 Lot #15-2A, Clearing & Development within the Conservation Easement on Property *DRD-11.15.13*

Chairman von Plachecki asked J. Gigliotti if a revised plan showing the removal of the driveway turnaround and a detailed planting plan had been received as per the Commission's directive of the last meeting. J. Gigliotti told the Commission a plan had not been received.

Gary Sousa, applicant, said that he does not believe that the Conservation Easement was never marked with Conservation Easement plaques in the area he cleared. Chairman von Plachecki said that the Conservation Easement was marked on both the plot plan and the as-built plan and that the driveway turnaround on the approved Subdivision plan was outside the Conservation Easement. Discussion followed. The Commission agreed that the turnaround needs to be moved out of the Conservation Easement.

Motion by M. Epstein, seconded by E. Fuery to table W2013-2961 to the next regularly scheduled meeting so the applicant can submit revised plans. **Motion carried unanimously.**

H. NEW BUSINESS – None

I. OLD BUSINESS – None

J. ENFORCEMENTS –

A. 13 Rudden Lane

J. Gigliotti told the Commission that he has not received an application for this enforcement. Discussion followed. And the consensus of the Commission was that J. Gigliotti, Wetlands Enforcement Officer should initiate the next level of enforcement and schedule a Show Cause Hearing for this violation.

B. Conservation Easement Encroachments

J. Gigliotti told the Commission that he now has another enforcement action regarding an encroachment into a Conservation Easement. A few truckloads of fill were dumped into a Conservation Easement at 17 Oak Farm Road. Discussion followed regarding educating the public about Conservation Easements and the next steps for this violation.

K. CONSERVATION - None

L. CORRESPONDENCE

A. Municipal Inland Wetlands Agency Comprehensive Training Program

F. von Plachecki told the Commission that the Connecticut Association of Conservation and Inland Wetlands Commission will be holding their Annual meeting and Environmental conference on Saturday, November 16, 2013 at the Courtyard by Marriott in Cromwell. Anyone interested in attending this Conference should contact J. Gigliotti.

B. Tractor Supply

J. Gigliotti told the Commission that Tractor Supply has completed the mitigation work and plantings. The Army Corp issued a permit for this project, but due to the government shut-down will not be signing off for the Certificate of Occupancy. J. Gigliotti spoke with a representative of the Army Corp and was told not to hold up the Certificate of Occupancy because they did not sign off.

C. Kutis Lake

J. Gigliotti told the Commission that in July he had received an email from a resident regarding Kutis Lake, which is located behind Evergreen Terrace. She was concerned about the pond filling up with lily pads, etc. He emailed her back telling her that the Town does not own Kutis Lake and that Pickerel Lake has a different type ownership and explained their draw down procedure. He explained that the resident made copies of his email and distributed to all the residents on Evergreen Terrace.

D. Mapping

J. Gigliotti showed the Commission the maps that he prepared for the updating of the Plan of Conservation.

The Commission was advised that the next public meeting to discuss the updating of the Plan of Conservation and Development will be held on Wednesday, October 23, 2013. He told the Commission members if they attend, they must speak as a citizen and not as a representative of the Commission as a Special Meeting agenda for this Commission will not be posted.

E. Construction Updates

J. Gigliotti told the Commission that Tractor Supply will be receiving their Certificate of Occupancy by Friday, October 11, 2013. An invitation only opening will be held on Friday, October 11, 2013 with the grand opening following in a week or two.

M. ADJOURNMENT

Motion by K. Frantzen, seconded by M. Epstein to adjourn the meeting at 7:52 p.m. **Motion Carried Unanimously**

Respectfully Submitted,

Gail N. Therian, Clerk