



# *Town of Colchester, Connecticut*

127 Norwich Avenue, Colchester, Connecticut 06415

Website: [www.colchesterct.gov](http://www.colchesterct.gov)

## **COLCHESTER CONSERVATION COMMISSION**

### **Regular Meeting**

**Wednesday, February 10, 2021**

**Town Hall, 127 Norwich Avenue**

### **Minutes of Meeting**

- A. MEMBERS PRESENT:** Falk von Plachecki; Chairman, Darrell York; Vice Chairman, Sue Bruening, Michele Kosmo, Rebecca Meyer, Michael Rogers, Jay Gigliotti; Wetlands Enforcement Officer, Denise Turner; BOS Liaison, Kamey Cavanaugh, Clerk, and Applicants representation.  
**ABSENT:** None

### **CALL REGULAR MEETING TO ORDER**

Chairman von Plachecki called the Regular Meeting to order at 7:00 p.m.

### **B. ADDITIONS TO AGENDA**

*Motion made by M. Rogers to add H) A. 25 Colburn Road. Motion was seconded by M. Kosmo. Motion carried unanimously.*

### **C. APPROVAL OF MINUTES – January 13, 2021**

*Motion made by D. York to approve the minutes of January 13, 2021. Motion was seconded by M. York. Motion carried unanimously.*

### **D. PUBLIC COMMENTS – None**

### **E. PENDING APPLICATIONS**

- A. W2020-3058- 525 Norwich Avenue, Chase Taylor- Applicant/ Owner, Assessor's Map 29-00 Lot 004-000, proposed wetland fill for equipment storage area.**

J. Gigliotti summarized the application and stated the applicant's engineer, Mr. Mark Reynolds was present to discuss the application. A soil scientist report has been received. The report indicates the historic land uses around the area have made the wetlands have a very low if any functioning value and the primary function is wetland is for stormwater.

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RECEIVED  
2021 FEB 11 PM 2:37  
GALE FURMAN  
TOWN CLERK

Mark Reynolds, representing the applicant, reviewed the application to the commission and provided a series of slides indicating the proposed activities.

Chairman von Plachecki asked if staff has had an opportunity to review; Mr. Gigliotti stated that the Town Engineer has not yet had an opportunity to review as it was received in the office earlier this day. A request for an extension has been received in writing from the applicant.

***D. York moved to accept the applicants request for extension and table W2020-3058 525 Norwich Avenue, Chase Taylor- Applicant/ Owner, Assessor's Map 29-00 Lot 004-000, proposed wetland fill for equipment storage area to the next regular scheduled meeting. Motion was seconded by M. Rogers. Motion carried unanimously.***

**F. NEW APPLICATIONS – None**

**G. OLD BUSINESS – None**

**H. NEW BUSINESS**

**A. 25 Colburn Road**

Jay Gigliotti explained that contact was made to staff from the property owner at 25 Colburn Drive. The property owner expressed interest in creating a pond on his property for recreation uses. The location of the proposed pond is in the wetland review area and the property also holds a conservation easement which this pond is not being proposed in.

Mark Reynolds, representing the property owner, provided a slide showing the wetlands location and the proposed location of the pond. The depth will be approximately 8', dimensions are approximately 50' X 100', and will be a completely excavated pond without a berm.

Michelle Kosmo asked what the property conditions are. Mr. Reynolds stated it is essentially back yard lawn.

Mr. Reynolds thanked the commission for their input and will be back with a formal applicant at the next regular scheduled meeting.

**I. ENFORCEMENT**

**1. Show Cause Hearing – 956 Middletown Road**

Chairman von Plachecki stated this was continued from previous month and if there is further evidence or discussions to take place, or the hearing can be closed. After the closing of the hearing the commission has 10 days to render a decision. Mr. Gigliotti informed the commission of 2 photos that were received earlier in the day from the property owners' attorney to be entered into the record.

Attorney Moukawsher, attorney for the property owner, noted the photos that have been submitted show a smaller wet area.

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The commission reviewed the photo from Mr. Rogers report and compared them to the photos that Attorney Moukawsher presented today.

Chairman von Plachecki thanks Attorney Moukawsher for the photos and advised the commission at this time discussion can take place. Chairman von Plachecki stated this discussion needs to address the cease and desist order only. The original complaint from the neighbor of the intrusion on the wetland has been resurrected. The commission is in charge of the 75' upland review area by definition and when there are complaints the commission tries to resurrect. After Mr. Rogers completed a site walk and further viewed the pipe, realizing the pipe does not drain the wetland and the areas look to be stabilized and personally does not feel there is a threat to the wetland.

Mike Rogers asked if the property owner was interested to applying for an administrative permit. Attorney Moukawsher stated the property owner is not interested in completing an application.

Darryl York said when using the term as of right activity he believes is being misunderstood. Logging is an as of right activity; agricultural use is an as of use activity, however both require an application of a permit to be submitted for approval by staff and or the Conservation Commission.

***R. Meyer moved to close the show cause hearing of 956 Middletown Road. Motion was seconded by M. Rogers. Motion carried unanimously.***

Chairman von Plachecki stated after review of the current pictures in comparison to the photos taken from Mr. Rogers site walk, it is evident of where the water is staying after 10 days. It looks as though the wetland is intact and the pipe for drainage is not draining the wetland and believes the wetlands are ok and the homeowners are now aware of the existing wetland and the 75' upland review area.

M. Rogers stated he does not believe the pipe installation is not an as of right activity and should require a permit. The fact of the homeowner refusing to obtain a soil scientist or apply for an application feels as though they have no interest in complying and there is significant potential for future disturbance and believes the cease and desist should remain in place until a permit is applied for.

Rebecca Meyer stated the commission approves / reviews several permits that are as of right activity and it is usually a quick process. It is up to staff to make the call on whether this could have been done as an administrative permit and this could have been handled differently with a quick review of staff.

Michelle Kosmo stated regulations are not always up for interpretation and are pretty straight forward. The fact of the matter is it has been established this is within the 75' upland review area and that is under this commission's jurisdiction and notification of proposed work is required.

Darryl York suggested at this point, if the land owner does not do any additional work in the area of discussion, and is aware of any additional work taking place town staff and the commission needs to be contacted to see if an application is required.

Mike Rogers is concerned the property owner has not admitted to doing anything wrong, therefore, he is concerned that with that thought process, there is no certainty they will comply in the future. In addition the driveway continues to take on significant damage for high volumes of water, so there is a

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high likelihood that the drainage will continue to be modified in the area which certainly will have future wetland impacts.

Jay Gigliotti stated the information that has been received to this point is very significant from where it started. There were a lot of questions that now have answers, and even with an administrative permit, the information that was received would not have been as helpful to understand what was occurring.

***D. York moved to lift the cease and desist at 956 Middletown Road. Motion was seconded by S. Bruening. Motion carried 4-1-0, with M. Rogers voting No.***

## **J. CONSERVATION**

M. Rogers reported of a bob cat that has been seen on his property in the past and most recently spotted a smaller size bob cat.

## **K. CORRESPONDENCE**

- A. Wetland Administrative Permits** – J. Gigliotti reported on one administrative permit that was issued at 764 Middletown Road to clean out a culvert to help with drainage issues on his property and this activity was in the upland review area.

J. Gigliotti updated the commission on the grant that was applied for and noted of a meeting scheduled for February 24<sup>th</sup> to find out if they were successful in being awarded the grant.

Two Brownfield pre applications are being generated. This program is going through the Office of Brownfield Remediation and Development which is a state agency out of the Department of Economic and Community Development. There are 2 properties that are being looked at along the Jeremy River and both have in excess of 2500 feet of river frontage. They are being submitted by the municipality on behalf of the property owners with the understanding if the properties are clean or need to be clean the town would or another land agency would look to acquire them.

## **L. ADJOURNMENT**

***Motion made by D. York to adjourn at 8:40 pm. Motion was seconded by M. Rogers. Motion carried unanimously.***

Chairman von Plachecki adjourned the February 10, 2021 Conservation Commission meeting at 8:40pm.

Respectfully Submitted,

*Kamey Cavanaugh*