

COLCHESTER CONSERVATION COMMISSION

REGULAR MEETING

WEDNESDAY, AUGUST 10, 2022

Colchester Town Hall

7:00 P.M.

AGENDA

- A. Call Regular Meeting to Order
- B. Additions to Agenda
- C. Approval of Minutes- 5/11/22
- D. Public Comment
- E. Pending applications----- To be discussed
- F. New Applications---- To be accepted and set public hearing:
 - 1. **W2022-3074-44 Amston Road, Applicant Rodney Goldberg, owner, Assessor's map 15-00 Lot 020-001, Proposed expansion of parking area and other site improvements, Upland Review Area Impacts.**
- G. Old Business---- To discuss and possibly take action
- H. New Business---- To discuss and possibility take action
 - 1. Proclamation by Governor of 2022 as the year of inland wetlands and watercourses to celebrate 50th anniversary of legislation protecting inland wetlands and watercourses.
 - 2. Discussion of Commission letter to local paper celebrating 50 years of protecting wetlands.
 - 3. Review of Draft Tree ordinance and appointment of Conservation Commission as Tree Commission.
- I. Enforcement
- J. Conservation
- K. Correspondence
 - A. Wetland Administrative Permits Issued
 - B. Staff Updates & Other Correspondence
- L. Adjournment

RECEIVED
COLCHESTER, CT
2022 AUG -9 PM 12:46
Gayle Furman
GAYLE FURMAN
TOWN CLERK

Falk von Plachecki, Chairman

Wetlands Violations

Monthly Report: August 10, 2022

79 Reservoir Road

Resident complained that neighbor was trespassing on their property and cutting trees and piling the vegetated debris in the wetlands to form a sort of fencing or border that could not be climbed over. I walked the property with the owner and found trees had been cut and piles of stumps and vegetation/branches had been piled up like barrier fencing on their property. A cease and desist letter was issued to Willard Starr in Lebanon because our assessor records appeared to show he was the owner and had a house behind the complainants. However, Mr. Starr came in the office and stated that another Lebanon resident, Storm Johnson, lives behind this property and might be the violator. A cease and desist letter was issued to Mr. Johnson and he was requested to attend 8.10.22 Conservation Commission meeting.

Lot 31A Reservoir Road

This is a vacant parcel. Assessor's map shows Mr. Storm Johnson as the owner; however, Mr. Willard Starr stated he believes he is the owner. DEP wetlands overlay on assessor's map shows this site to be almost entirely wetlands. Mr. Starr has been depositing fill and boulders on the property with the intention of planting blueberries. I posted a tree on this site as being in violation of the regulations for filling within inland wetlands without a permit. Mr. Starr called and responded he did not know the site was mapped as wetlands and he wants to do the right thing. He was told to have a Soils Scientist investigate whether there were wetlands on the site. I issued a formal C&D letter and Mr. Starr stated he would attend the meeting to discuss his plans for this vacant parcel.

143 Bulkeley Hill Road

This site has some outbuildings but no residence. Horses and dogs are housed. The parcel is 6.13 acres. There is a band of wetlands on the property. On an August 3, 2022 site visit, I found large stumps and vegetated debris stored in the wetlands which constitutes fill. A C&D letter was issued to remove the stumps and debris from the wetlands and store elsewhere on the site.

117 Pine Brook Road

Concrete pipe was installed without permits and covered with soil and boulders next to a wooden spanning type bridge used by horses previously. Door posted. Owner will come to meeting to apply for permit. Was unaware that permits were required.

Silt fencing at several subdivisions

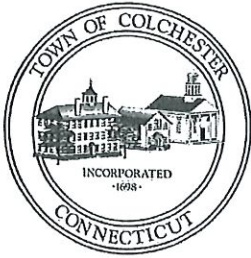
Found to be in disrepair. On site workers were verbally told to fix the silt fencing and complied.

Lakeview Drive

Waterfront house new owner wanted to cut several trees on the water side for view on a steep lot. He was told this is an activity within the Conservation Commission review area and he would need a permit. Clear cutting trees on a steep lot for view purposes is rarely a good idea. The tree roots hold the soils in place and removing the trees may make the slope far less stable with soil eroding at a faster rate into Pickerel Lake. No application has been made yet.

Conservation easement tree cutting

Two property owners with conservation easements on their property have contacted me about “dead trees” they want to remove from the conservation easement. I told them to get a letter from a reputable tree professional attesting to the dangerous conditions of the tree and once they have that testimony, I will do a site visit to verify the tree(s) proposed to be removed appear to be dangerous/dead. Again, clear cutting trees is never a good idea but dead trees that are in danger of falling should be removed on a case by case basis.



Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

CEASE AND DESIST ORDER

**BY CERTIFIED MAIL: 7003-0500-0005-2948-0742
AND REGULAR MAIL**

August 2, 2022

Barbara Starr
Willard Starr, Jr.
Route 1 Congdon Road
Lebanon, CT 06249

Dear Mr. and Mrs. Starr:

On July 19, 2022 and July 25, 2022 and on July 28, 2022, I observed the following conditions in the vicinity of Reservoir Road, Colchester (Map/Block/Lot: 02-02-31A-000) on property you believe is owned by you:

Filling work in an area designated as inland wetlands, including vegetation cutting and filling in land designated as wetlands (on Colchester maps) as well as boulders placed in a wetlands area, is occurring within protected inland wetlands on Reservoir Road without any of the proper permits.

This is a violation of the Colchester Inland Wetlands Regulations, Sections 4.3, 6.1 and 6.2:

4.3 All activities in wetlands or watercourses involving filling, excavation, dredging, clear cutting, grading and excavation or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Agency in accordance with Section 6 of these regulations or, for certain activities located outside of wetlands and watercourses, from the duly authorized agent in accordance with section 12 of these regulations.

6.1 No person shall initiate, conduct or maintain a regulated activity without first obtaining a permit for such activity from the Conservation Commission of the Town of Colchester.

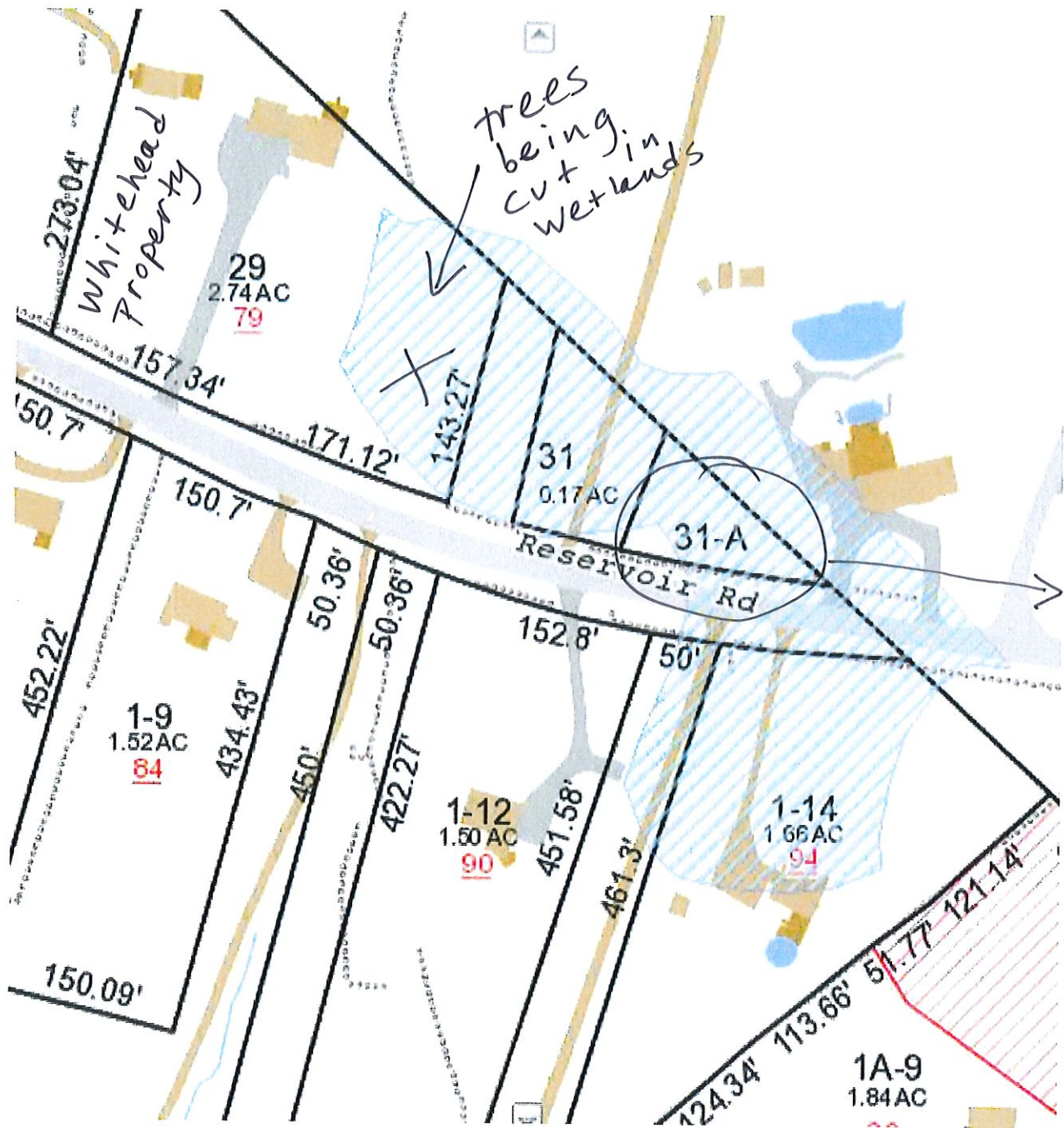
6.2 Any person found to be conducting a regulated activity without the prior authorization of the Agency, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 14 of these regulations and any other remedies as provided by law.

Please cease all further cutting of trees and vegetation within the wetlands area. Do not bring in any more fill. I understand from our meeting that you believe this land is not inland wetlands. Please contact a soils scientist to prove to the Commission that the soils are not inland wetlands soils.

You are hereby notified that a Conservation Commission meeting will be held on August 10, 2022 to discuss this potential violation and to hear your testimony.

Sincerely,


Carol Szymanski,
Wetlands Agent

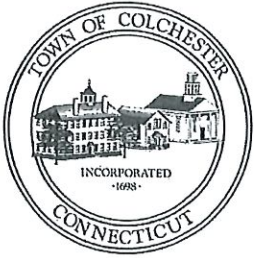




Lot 31 A

- fill brought in
- trees cut

• identified as wetlands on Colchester assessor's map (CT DEEP wetlands)



Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

CEASE AND DESIST ORDER

**BY CERTIFIED MAIL: 7003-0500-0005-2948-0889
AND REGULAR MAIL**

August 2, 2022

Storm M. Johnson
9 Debbie Road
Lebanon, CT 06249

Dear Mr. Johnson:

On July 19, 2022 and July 25, 2022 and on July 28, 2022, I observed the following conditions in the vicinity of Reservoir Road, Colchester (Map/Block/Lot: 02-02-029-000) on property adjacent to your property in Lebanon:

Unpermitted work in the wetlands, including tree cutting and piling of brush as well as boulders placed in a wetlands area to create a barrier, is occurring within protected inland wetlands on Reservoir Road without any of the proper permits.

This is a violation of the Colchester Inland Wetlands Regulations, Sections 4.3, 6.1 and 6.2:

4.3 All activities in wetlands or watercourses involving filling, excavation, dredging, clear cutting, grading and excavation or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Agency in accordance with Section 6 of these regulations or, for certain activities located outside of wetlands and watercourses, from the duly authorized agent in accordance with section 12 of these regulations.

6.1 No person shall initiate, conduct or maintain a regulated activity without first obtaining a permit for such activity from the Conservation Commission of the Town of Colchester.

6.2 Any person found to be conducting a regulated activity without the prior authorization of the Agency, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 14 of these regulations and any other remedies as provided by law.

Please remove all fill material (brush, felled trees) and boulders from within the borders of the inland wetlands within 10 days of receipt of this certified cease and correct order. Cease all further cutting of trees and vegetation within the protected wetlands area.

You are hereby notified that a Conservation Commission meeting will be held on August 10, 2022 to discuss this violation. Please attend this meeting at 7 p.m. at Colchester Town Hall.

Sincerely,

Carol Szymanski,
Wetlands Agent



79 Reservoir Road
tree cutting and piling of brush within wetlands
property owner: Wayne Whitehead
alleged violator: Storm Johnson, Lebanon



Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

CEASE AND DESIST ORDER

**BY CERTIFIED MAIL: 7003-0500-0005-2948-0902
AND REGULAR MAIL**

August 3, 2022

Herman M. Lazarte
60 Ackley Cemetery Road
Colchester, CT 06415

Dear Mr. Lazarte:

On August 3, 2022, I observed the following conditions in the vicinity of 143 Bulkeley Hill Road, Colchester (Map/Block/Lot: 03-11-043-000) on property you owned:

Tree stumps and vegetated debris piled up and deposited in the inland wetlands, constituting fill material in the inland wetlands.

This is a violation of the Colchester Inland Wetlands Regulations, Sections 4.3, 6.1 and 6.2:

4.3 All activities in wetlands or watercourses involving filling, excavation, dredging, clear cutting, grading and excavation or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Agency in accordance with Section 6 of these regulations or, for certain activities located outside of wetlands and watercourses, from the duly authorized agent in accordance with section 12 of these regulations.

6.1 No person shall initiate, conduct or maintain a regulated activity without first obtaining a permit for such activity from the Conservation Commission of the Town of Colchester.

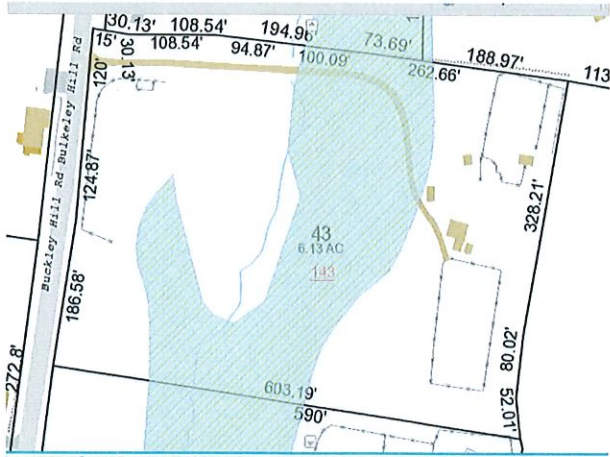
6.2 Any person found to be conducting a regulated activity without the prior authorization of the Agency, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 14 of these regulations and any other remedies as provided by law.

Please cease depositing stumps and debris within the wetlands area. Remove piles of stumps from the wetlands area as this constitutes fill material.

You are hereby notified that a Conservation Commission meeting will be held on August 10, 2022 at 7 p.m. at Colchester Town Hall to discuss this potential violation and to hear and receive your testimony.

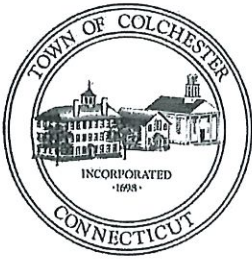
Sincerely,

Carol Szymanski
Carol Szymanski,
Wetlands Agent



BRUSH PILE AND STUMPS IN WETLANDS
143 Bulkeley Hill Road, Colchester
Photo taken: August 3, 2022

Cease and Desist letter sent to:
HERMAN M. LAZARTE
60 Ackley CEMETERY ROAD
COLCHESTER, CT 06415



Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

CEASE AND DESIST ORDER

**BY CERTIFIED MAIL: 7003-0500-0005-2948-0926
AND REGULAR MAIL**

August 8, 2022

Dorothy Whited
117 Pine Brook Road
Colchester, CT 06415

Dear Ms. Whited:

On August 8, 2022, I observed the following conditions on your property at 117 Pine Brook Road, Colchester (Map/Block/Lot: 4W-09/005-000):

Filling work (boulders and soil) occurring in a brook in the rear of your property next to an existing wooden horse bridge crossing in such a way as to block stream flows and without permits from Town of Colchester Conservation Commission.

This is a violation of the Colchester Inland Wetlands Regulations, Sections 4.3, 6.1 and 6.2:

4.3 All activities in wetlands or watercourses involving filling, excavation, dredging, clear cutting, grading and excavation or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Agency in accordance with Section 6 of these regulations or, for certain activities located outside of wetlands and watercourses, from the duly authorized agent in accordance with section 12 of these regulations.

6.1 No person shall initiate, conduct or maintain a regulated activity without first obtaining a permit for such activity from the Conservation Commission of the Town of Colchester.

6.2 Any person found to be conducting a regulated activity without the prior authorization of the Agency, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 14 of these regulations and any other remedies as provided by law.

You are hereby notified that a Conservation Commission meeting will be held on August 10, 2022 to discuss this violation and to hear your testimony.

Sincerely,


Carol Szymanski,
Wetlands Agent



Filling and boulders placed in stream bed.

Concrete pipe visible (might be new)

Photos taken by Scott Whited, received by CS on 8/8/22.

117 Pine Brook Road



117 Pine Brook Road
Property of Dorothy Whited
Shows filling of brook and fill material has caved in
Photos taken by Carol Szymanski, 8/8/22

August 9, 2022

Carol:

Thank you for taking the time to meet with me earlier this morning. In reiteration of our conversation, I have a 1.6 acre pond on my property – directly behind my home. The pond was dug approximately 22 years ago. The pond is fed by Sherman Brook.

Last September, we suffered extensive storm damage on our property – from that unique 100+ year storm that produced over five inches of rainfall. The resulting flash flood overwhelmed the inflow and washed out the rocks and gravel that was lining both sides and the bottom. Prior to the storm, the original width was approximately 10-12 feet. We're now looking at a width of approximately 38 feet with most of the rocks lying in the middle. The path of the water when flowing is now blocked and / or diverted by those rocks – a condition that is contributing to further erosion of the banks.

My intention is to restore the inlet to its pre-storm condition. Rather than fighting nature, however, it will be left significantly wider. We will use a medium-sized excavator to pick up the rocks and / or gravel and pull the material back where it belongs. The material will be used to restore the banks. My preference is to leave the inlet about 20 feet wide – thereby, easing any potential restriction that could impede the flow of water. I may also install some larger boulders that will be more apt to remain in place during storm-related flooding and have a dozen or so on my property that could be repurposed from lining my driveway and trails. Your assistance with is matter is sincerely appreciated.

Respectfully,

Jeffrey M. Epstein
860-250-5197

Photos Attached: 2

Page 1 of 2

Page 2

Photo from prior to the storm:



Post Storm Photo



DRAFT TREE ORDINANCE

Chapter 157 Trees

[HISTORY: Adopted by the Board of Selectmen of the Town of Colchester on XXXDATE. Amendments noted where applicable.]

§ 157-1 Rationale; policy.

§ 157-2 Definitions.

§ 157-3 Tree Warden.

§ 157-4 Tree Commission.

§ 157-5 Damage.

§ 157-6 Fastening of materials prohibited.

§ 157-7 Public utilities.

§ 157-8 Authority of Tree Warden.

§ 157-9 Public nuisances.

§ 157-10 Appeals.

§ 157-11 Arboricultural specifications and standards.

§ 157-12 Right of entry.

§ 157-13 Emergency tree removal.

§ 157-14 Penalties for offenses.

§ 157-15 Repealer.

§ 157-16 Interference with enforcement.

§ 157-1 Rationale; policy.

A.

Trees are proven producers of oxygen, a necessary element for the survival of mankind; trees reduce the carbon dioxide content of the air and, in general, play a role in air purification; trees play a role in neutralizing wastewater which passes through the ground from the surface to groundwater tables and lower aquifers; trees stabilize soil, especially on steep slopes, and play an important role in soil conservation, erosion control and flood control; trees are an invaluable physical and psychological addition to the Town, making life more comfortable by providing shade and cooling both air and land, reducing noise levels and glare and breaking the visual monotony of the development of the land with their natural beauty; though a renewable resource, the protection of mature trees within the Town of Colchester is not only desirable but essential to the present and future health, safety and welfare of all citizens of the Town of Colchester.

B.

It is the policy of the Town of Colchester to regulate and control planting, removal, maintenance and protection of trees and shrubs in the Town in order to eliminate and guard against dangerous conditions which may result in injuries to persons using the public areas and public ways of the Town; to promote and enhance the beauty of the Town; to prevent damage to any public sewer, utility or water main, street, sidewalk or other public property; to protect trees and shrubs located in public areas from undesirable and unsafe planting, removal, maintenance and protection practices; and to guard all trees and shrubs on public areas within the Town against the spread of disease or pests. The provisions of this chapter shall apply to all trees and shrubs presently or hereafter planted in or upon any public area and to all trees and shrubs planted in or upon private premises which shall endanger the life, safety or health of persons or property within the Town of Colchester.

§ 157-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

MAINTENANCE AND PROTECTION

Include all operations of trimming, pruning, spraying, injecting, fertilizing, treating, bracing, surgery and cutting above or below ground.

PLANTING

The permanent placement of any tree or shrub above or below ground.

PUBLIC AREA

Includes all public ways, parks and other lands owned or leased by the Town.

PUBLIC WAY

Includes all public streets, roads, boulevards, alleys and sidewalks.

REMOVAL

The actual physical removal or the effective removal through damaging, poisoning or other direct or indirect action resulting in or likely to result in the death of a tree.

TREES and/or SHRUBS

Include all woody vegetation presently or hereafter planted on any public areas or private premises.

§ 157-3 Tree Warden.

A.

The Town Tree Warden shall be appointed by the Board of Selectmen and shall have all powers, duties and authorities ascribed to him/her as set out in the Connecticut Public Shade Tree Statutes, particularly Connecticut General Statutes Sections 23-58, 23-59, 23-60 and 23-65, as the same may be amended, and this chapter.

B.

In addition, the Town Tree Warden shall be empowered to issue permits for the planting of trees or shrubs by private parties on public areas or public ways so long as said permits are in accordance with the Connecticut Public Shade Tree Statutes and the contents of this chapter.

§ 153-7 Tree Commission.

A.

The existing Conservation Commission shall act as the Tree Commission and its members shall serve as advocates for the choice and care of attractive trees.

B.

The requirements and duties of these members shall be:

(1)

To have a working knowledge of the habitat, planting, growth, care and placing of trees.

(2)

To develop and maintain a working relationship with the Town Tree Warden.

(3)

To assist the Warden in assuring that an appropriate tree or trees are planted in properly designated locations.

(4)

To compose a list of desirable tree species appropriate to Colchester.

(5)

To serve voluntarily as contact persons for the First Selectman and the Director of Public Works.

(6)

To serve as the Warden's assistants on occasions when contractors, public utilities contractors or Town laborers are working in or adjacent to Town trees.

(7)

To ensure that the intent and provisions of this chapter are carried out to the fullest extent possible.

§ 157-5Damage.

No person, company, utility or government agency shall, in any public area or public way of the Town of Wethersfield, prune, remove, deface, cut, paint, mark, injure, mutilate, kill or destroy any tree or shrub, permit any animal under their control to do so, permit any fire to injure any portion of any tree or shrub or permit any toxic chemical to seep, drain or be emptied on or about any tree or shrub. During construction operations, the contractor shall erect suitable protective barriers around public trees and shrubs which may be injured as a result of his/her activities.

§ 157-6Fastening of materials prohibited.

No person shall fasten any sign, playbill, picture, notice, advertisement, rope, wire, climbing spurs or other materials to, around or through any public trees or shrubs except in an emergency, such as storms or accidents.

§ 157-7Public utilities.

Public utility work affecting trees or shrubs shall be limited to the actual necessities of the service of the company. Such work shall be reviewed by the Town Tree Warden prior to being undertaken and such work shall be done in a neat and professional manner. The Town Tree Warden shall, to the extent possible, supervise the work performed.

§ 157-8Authority of Tree Warden.

[Amended 10-1-2007]

The Town Tree Warden shall have the authority to plant, remove, maintain and protect trees and shrubs on all public areas and public ways or which extend into or overhang the limits of all public areas and public ways as may be necessary to ensure and preserve the symmetry and beauty of such grounds and ways. The Town Tree Warden may consult with the Conservation Commission in regard to the performance of his/her duties.

§ 157-9Public nuisances.

Any tree or shrub or part thereof growing upon private or public property which is interfering with the use of any public area, infected with infectious plant disease or endangering the life, health or safety of persons or property is declared a public nuisance.

If the Town Tree Warden shall determine, with a reasonable certainty, that any nuisance tree or shrub, as herein described, or any part thereof exists in or upon any public area or public way, he/she shall immediately cause it to be treated, trimmed, removed or otherwise abated in such manner as to destroy or prevent the spread of the nuisance. If the Town Tree Warden shall determine, with reasonable certainty, that any nuisance tree or shrub, as herein described, exists in or upon any private premises, he/she shall, in writing, notify the owner or tenant having charge of such premises. Within 30 days after issuance of said notice, said person shall cause the treatment, trimming or removal and destruction of said nuisance tree or shrub as directed in the written notice. No damage shall be awarded the owner for the destruction of trees or shrubs destroyed pursuant to this chapter. In case the owner or tenant having charge of such premises shall refuse or neglect to comply with the terms of the written notice within 30 days after receiving it, the Town Tree Warden shall cause the removal, treatment or trimming of said nuisance tree or shrub. The expense thereof shall be charged to the owner of said premises on which said tree or shrub is located and, with respect to the cost for removing that portion interfering with any public area or public way, shall become a lien on the property upon recordation of notice thereof on the Town land records.

§ 157-10 Appeals.

[Amended 10-1-2007]

A person who receives an order from the Town Tree Warden and objects to all or a part thereof may, within 10 days of receipt of said notice, notify the Conservation Commission, in writing, of the nature of the objection and request a hearing thereon. Within 10 days of the receipt of such notice of appeal, the Conservation Commission shall schedule a hearing before said Commission or its designated subcommittee to hear the objection. The hearing shall be held within 10 days of notice to the appellant. Within 10 days after such hearing, the Conservation Commission shall, in writing, notify the appellant and the Town Tree Warden of its decision. The Town Tree Warden shall be present at such hearing.

§ 157-12 Arboricultural specifications and standards.

The following specifications and standards are hereby established for the planting, trimming and removal of trees and shrubs in the public ways and public places of the Town:

A.

Planting.

(1)

The Tree Warden, in consultation with the Conservation Commission, shall develop a list of species suitable for planting below overhead utility lines. No other species shall be permitted. Trees prohibited for planting in public spaces shall be identified by the Commission.

(2)

All trees to be planted will be not less than 1 1/2 inches in diameter of trunk at six inches above ground level.

[Amended 5-4-2009]

(3)

No tree shall be planted closer than two feet from the curbline or outer line of the sidewalk, except by special permit from the Tree Warden. All trees shall be planted at a spacing of between 40 and 60 feet from each other, depending on the species of the tree.

[Amended 10-1-2007]

(4)

No tree shall hereafter be planted at or within 20 feet of an intersection.

(5)

Efforts will be made to install all new trees using good planting practices to provide maximum survivability and longevity.

[Added 9-4-2018]

B.

Trimming.

(1)

All trees and shrubs on public or private property which have branches overhanging a public street shall have said branches trimmed to a clearance height of 14 feet; all trees and shrubs on public or private property which have branches overhanging a public sidewalk shall have said branches trimmed to a clearance height of 10 feet. The Town Tree Warden may waive the provisions of this subsection for newly planted trees if he/she determines they do not interfere with public travel, obstruct the light of any streetlight or endanger public safety.

(2)

All deadwood, stubs, broken branches, badly formed branches, disease-infected and insect-infested branches and branches interfering with public travel, lighting, existing buildings and traffic signs shall be removed during the trimming operation, with consideration given to the symmetry and beauty of the tree or shrub.

C.

Removing. All public trees and shrubs shall be marked for cutting ten (10) days before such cutting or removal shall occur. The trees shall be completely removed from the growing site and disposed of in an authorized manner. The stump shall be ground out to a depth suitable for future planting of trees or turf. Before any town tree(s) may be removed, parties must obtain approval from the Tree Warden. The tree must be posted for ten (10) days before removal can occur.

[Added 9-4-2018]

§ 157-13 Right of entry.

The Town Tree Warden or his/her representatives, after giving advance notice to the owner or tenant having charge, shall have the authority to enter upon private premises at reasonable times for the purposes of examining and inspecting any suspected nuisance tree or shrub or otherwise fulfilling their duties herein.

§ 157-14Emergency tree removal.

When it is necessary to expedite the removal of damaged or destroyed trees in the interest of public safety, health and general welfare, the First Selectman may, by decree, suspend the requirements of this chapter.

§ 157-15Penalties for offenses.

[Amended 9-4-2018]

Violation of § **157-5** of this chapter shall be punishable by a fine not to exceed \$100, or such greater amount as may be allowed by statute, and such person shall be liable in a civil action for damages in accordance with Section 52-560 of the Connecticut General Statutes, as the same may be amended. Violation of § **157-6** of this chapter shall be punishable by a fine not to exceed \$50, or such greater amount as may be allowed by statute, and such person may be subject to such civil damages or criminal penalties as may be prescribed by statute. Each unauthorized pruning, removal, defacing, cutting, painting, marking or injuring of a tree protected by this chapter or other act prohibited by §§ **157-5** and **157-6** of this chapter shall be deemed a separate offense. Any and all tree(s) removed or killed as a result of said damage shall be replaced at the expense of the person, company, utility or government agency who removed or killed the tree(s).

§ 157-16Repealer.

§ 157-17Interference with enforcement.

[Added 10-1-2007]

No person shall unreasonably hinder, prevent, delay or interfere with the Town Tree Warden or his/her agents while engaged in the execution or enforcement of this chapter.

BRUCE L. MCDERMOTT
203.772.7787 DIRECT TELEPHONE
BMCDERMOTT@MURTHALAW.COM



July 28, 2022

**VIA CERTIFIED MAIL AND
RETURN RECEIPT REQUESTED**

Carol Szymanski
Wetlands Officer
Town of Colchester
127 Norwich Avenue
Colchester, CT 06415

Re: Notice to Agencies and Officials

Dear Ms. Szymanski:

ReNew Developers, LLC ("ReNew") is undertaking a project that involves the installation of a fuel cell system with a capacity up to 4.99-megawatts and associated equipment (collectively, the "Project") to be located at 42 Old Amston Road, Colchester, Connecticut (the "Property").

This letter is to provide you notice that on or about July 28, 2022, ReNew intends to submit to the Connecticut Siting Council (the "Council") a petition for a declaratory ruling, pursuant to Connecticut General Statutes Sections 4-176 and 16-50k that no Certificate of Environmental Compatibility and Public Need is necessary, for the proposed construction, maintenance, and operation of the Project. Pursuant to RCSA Section 16-50j-40, ReNew is notifying you of its intentions to submit the petition.

The Council will undertake a thorough review of the proposed Project and consider input from interested stakeholders. If the Project is approved by the Council, ReNew anticipates starting construction in September 2023, and commercial operation of the facility will be expected to commence in 2024. This schedule is approximate and subject to change. Please note this work will not interrupt electric service to homes or businesses.

If you would like more information concerning the proposed Project, please visit the Council's website at <https://portal.ct.gov/CSC>. Information about the Project can be found under "Pending Matters". In the alternative, you may call me at 203.772.7787.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Bruce L. McDermott".

Bruce L. McDermott

Murtha Cullina LLP
265 Church Street
New Haven, CT 06510
T 203.772.7700
F 203.772.7723

BRUCE L. MCDERMOTT
203.772.7787 DIRECT TELEPHONE
BMCDERMOTT@MURTHALAW.COM



July 28, 2022

**VIA CERTIFIED MAIL AND
RETURN RECEIPT REQUESTED**

Falk Von Plachecki, Chair
Conservation Commission
Town of Colchester
127 Norwich Avenue
Colchester, CT 06415

Re: Notice to Agencies and Officials

Dear Chair Plachecki:

ReNew Developers, LLC ("ReNew") is undertaking a project that involves the installation of a fuel cell system with a capacity up to 4.99-megawatts and associated equipment (collectively, the "Project") to be located at 42 Old Amston Road, Colchester, Connecticut (the "Property").

This letter is to provide you notice that on or about July 28, 2022, ReNew intends to submit to the Connecticut Siting Council (the "Council") a petition for a declaratory ruling, pursuant to Connecticut General Statutes Sections 4-176 and 16-50k that no Certificate of Environmental Compatibility and Public Need is necessary, for the proposed construction, maintenance, and operation of the Project. Pursuant to RCSA Section 16-50j-40, ReNew is notifying you of its intentions to submit the petition.

The Council will undertake a thorough review of the proposed Project and consider input from interested stakeholders. If the Project is approved by the Council, ReNew anticipates starting construction in September 2023, and commercial operation of the facility will be expected to commence in 2024. This schedule is approximate and subject to change. Please note this work will not interrupt electric service to homes or businesses.

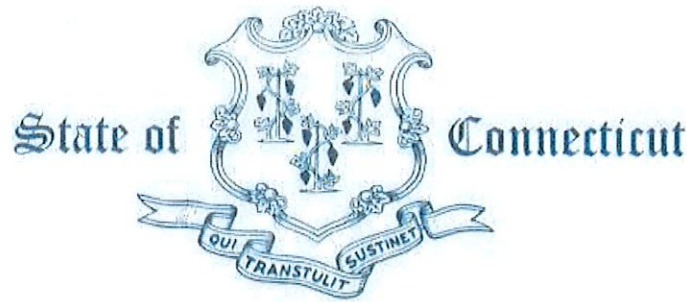
If you would like more information concerning the proposed Project, please visit the Council's website at <https://portal.ct.gov/CSC>. Information about the Project can be found under "Pending Matters". In the alternative, you may call me at 203.772.7787.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Bruce L. McDermott".

Bruce L. McDermott

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By His Excellency Ned Lamont, Governor: an
Official Statement

*W*HEREAS, in 1972, the Connecticut General Assembly passed Public Act 155 – known as The Connecticut Inland Wetlands and Watercourses Act – stating in the legislative finding that “*the inland wetlands and watercourses of the state of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed;*” and

*W*HEREAS, this state law affirms that wetlands and watercourses “*are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life;*” and

*W*HEREAS, in enacting this law, the Connecticut General Assembly acknowledged “*the preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state;*” and

*W*HEREAS, the diversity of Connecticut’s inland wetlands and watercourses deliver numerous ecosystem services necessary for public physical and mental health and welfare – including, but not limited to, clean and abundant drinking water, recreation and tourism opportunities, historic and educational worth, unique habitats and biodiversity, aesthetic value and sense of place, carbon sequestration and storage, and climate change resiliency; and

*W*HEREAS, the Connecticut Inland Wetlands and Watercourses Act – by establishing a soils-based definition of wetlands – safeguards all alluvial and floodplain soils from unregulated activities, thusly ensuring the safety of Connecticut’s towns and citizens; and

*W*HEREAS, this landmark legislation recognizes the important role of municipalities in “*balancing the need for the economic growth of the state and use of its land with the need to protect its environment and ecology*” and declares it is “*the public policy of the state to require municipal regulation of activities affecting the wetlands and watercourses within the territorial limits of the various municipalities;*” and

*W*HEREAS, this has resulted in the establishment of 171 inland wetlands and watercourses agencies, through which thousands of citizens and municipal staff have and currently serve “*to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn;*” and

*W*HEREAS, Connecticut’s municipal inland wetlands and watercourses agencies and their staff – in carrying out the purposes and policies of the Inland Wetlands and Watercourses Act – play a valuable role in accomplishing state goals, such as those of the Connecticut State Water Plan and the Governor’s Council on Climate Change; and

*W*HEREAS, the year 2022 marks the 50th anniversary of the passage of the Connecticut Inland Wetlands and Watercourses Act; now

*T*HEREFORE, I, Ned Lamont, Governor of the State of Connecticut, do hereby proclaim the year of 2022 to be

**THE YEAR OF INLAND WETLANDS
AND WATERCOURSES**

in the State of Connecticut.

