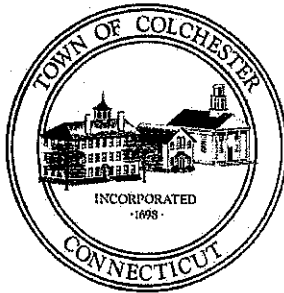


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**CONSERVATION COMMISSION
PUBLIC HEARINGS & REGULAR MEETING
Wednesday, August 9, 2023 – 7:00 PM
Town Hall - First Selectman's Conference Room (2nd Floor)
MINUTES**

RECEIVED
COLCHESTER, CT
2023 AUG 10 PM 3:23
First Selectman

Members Present: Falk von Plachecki, Chairman; Rebecca Meyer, Vice-Chair; Michael Rogers, Mary Tremblay

Absent: Michelle Kosmo, Susan Bruening

Also Present: Demian Sorrentino, Planning Director & Acting WEO; Mark Reynolds, PE; Stephen Fedus; Austin Harmon; Lucilia Violante

1. PUBLIC HEARINGS 7:00 PM:

- A. Call to Order** – Chairman F. von Plachecki called the Public Hearings to order at 7:09 PM.
- B. Roll Call and Determination of a Quorum** – Roll call conducted and quorum present.
- C. W2023-3078** - 203 Amston Road; Stephen Fedus - applicant/owner; Assessor's Map 21-00-003-000; 19 proposed apartments and 46 parking spaces on 8+ acres with upland review area impacts.

Mark Reynolds, PE representing the applicant presented the Certificates of Mailing for notification of abutters. M. Reynolds presented the historical use of the property, existing conditions survey including topography, wetlands and watercourses and upland review areas. M. Reynolds presented the development proposal including building layout, access and circulation drives, parking areas, grading, stormwater management, landscaping and erosion and sediment controls. There is no activity proposed within any wetlands or watercourses. M. Rogers inquired of planting and mowing for the large water quality basin, M. Reynolds indicated that the bottom of the basin would be an un-mowed wetland seed mix with some shrubs interspersed around the perimeter. The berm and adjacent areas should be mowed occasionally to prevent trees from taking root. R. Meyer inquired about recreational areas and community gardens. Conceptual passive recreation areas were discussed. Stephen Fedus, applicant noted that he allows tenants at his Christy Lane development to garden in front of and behind their apartments. R. Meyer inquired about sump pumps for Building #1. M. Reynolds indicated that Building #1 is the only building with a basement and due to site grading requires a sump pump. All of the other buildings are slab-on-grade construction. The gravel emergency access will be cleared of snow in winter. R. Myer inquired about the status of the existing culvert crossing at the rear of the development and if any work was proposed there, M. Reynolds stated it is potential access for passive recreation only, nature walks and the like.

D. Sorrentino added the following exhibits to the Commission's permanent application file:

Exhibit G: Certificates of mailing for notification of Public Hearing.

Exhibit H: Email from Stephen Fedus for second extension request, 30 days dated 8/8/23.

Exhibit I: Wetland Application Narrative submitted 8/9/23.

Exhibit J: Drainage Design Report and associated map dated 8/8/23, submitted 8/9/23.

Exhibit K: DLS Traffic Engineering, LLC Report dated 5/9/18, submitted 8/9/23.

D. Sorrentino noted that these exhibits were delivered around noon today and likewise that the Commission still needs review comments from the Town Engineer. With the second extension granted the Public Hearing can be continued to the 9/13/23 meeting to include the Town Engineer's comments in the record. M. Reynolds reviewed the Wetland Application Narrative.

Chairman asked for anyone to speak in favor of the application. S. Fedus, applicant cited the need for apartments in Colchester, the attractiveness of the village-style of development as opposed to one large building and that the project will enhance the general area. Chairman asked for anyone else to speak in favor of the application. Lucilia Violante of 18 Vicki Lane asked about the project's potential impacts on wildlife including ducks, turtles and deer. Chairman explained the Commission's responsibility with regard to wildlife and M. Reynolds offered additional information on development versus non-development areas on the property. Chairman asked for anyone else to speak in favor of the application, there were none. Chairman asked for anyone to speak against the application, there were none. Chairman asked for any additional information regarding the application, there was none.

Motion by R. Meyer to continue the Public Hearing for W2023-3078 to the Commission's next regular meeting of 9/13/23, 2nd by M. Rogers. Vote was unanimous with M. Tremblay recused, Public Hearing continued.

- D. W2023-3081** - 155 Westchester Road; Jeffrey and Donna Naples - applicant/owner; Assessor's Map 05-14/016-000; reclamation plan and proposed pond within regulated wetlands area.

D. Sorrentino added the following exhibits to the Commission's Permanent application file:

Exhibit P: Consulting Soil Scientist review letter from Robert Russo of CLA Engineers dated 8/3/23.

Exhibit Q: Email correspondence between Mark Reynolds, PE, D. Sorrentino and R. Russo dated 8/8/23 through 8/9/23. D. Sorrentino read Exhibit Q into the record. Based on test pits performed in the vicinity of the proposed pond, M. Reynolds has determined that a pond is not feasible at this location, D. Sorrentino and R. Russo both agree. Mr. Russo's opinion is, provided that the topsoil has not been removed from the wetland or the area immediately adjacent, that there should be adequate native seed stock within the soil for the wetland area to revegetate without the need for a formalized restoration plan or additional plantings. Commissioners discussed invasive species in the wetlands and the genesis of this application and how the pond proposal came to be. A Notice of Violation and request for voluntary compliance was issued, the response to which was this application to the Commission. Being that the pond does not appear feasible, the application can be withdrawn or denied, and if the Commission decides that a reclamation plan is appropriate, it can be handled as part of the resolution of the violation.

Chairman asked for anyone to speak in favor of the application, there were none. Chairman asked for anyone to speak against the application, there were none. Chairman asked for any additional information regarding the application, there was none.

Motion by R. Meyer to close the Public Hearing for W2023-3081, 2nd by M. Rogers. Vote was unanimous, Public Hearing closed.

2. REGULAR MEETING (immediately following Public Hearing)

- A. Call Regular Meeting to Order** - Chairman F. von Plachecki noted that the Regular Meeting is beginning at 7:55 PM, same members present as Public Hearings.
- B. Additions to Agenda** – None.

C. **Approval of Minutes** – Motion by M. Rogers to approve minutes of July 12, 2023 Public Hearings and Regular Meeting, 2nd by R. Meyer. Vote was unanimous with M. Tremblay abstaining, minutes are approved.

D. **Public Comment** – None.

E. **Pending Applications**

1. **W2023-3078** - 203 Amston Road; Stephen Fedus - applicant/owner; Assessor's Map 21-00-003-000; 19 proposed apartments with upland review area impacts. (Date of Receipt: 5/10/23; 35-day extension granted to August 16, 2023)

Motion by R. Meyer to table consideration of W2023-3078 to the Commission's next Regular Meeting of 9/13/23, 2nd by M. Rogers. Vote was unanimous, application tabled.

2. **W2023-3081** - 155 Westchester Road; Jeffrey and Donna Naples - applicant/owner; Assessor's Map 05-14/016-000; reclamation plan and proposed pond within regulated wetlands area (Date of Receipt: 6/14/23)

Motion by F. von Plachecki to deny application W2023-3081 without prejudice based on the fact that a fire pond is not suitable for this wetland and the wetland should remain intact, as-is. 2nd by R. Meyer. Discussion on the motion indicated that the Commissioners are of the opinion that the wetland will recover without the need for additional plantings. Vote was unanimous, application denied without prejudice.

F. **New Applications**

1. **W2023-3083** – 48 and 50 Westchester Road; Margus Properties LLC - applicant/owner; Assessor's Map 06-12/040-000; Timber Harvest on Westchester Road.

Austin Harmon, Forest Technician for Hull Forest Products presented on behalf of Margus Properties, LLC. A. Harmon stated the property was possibly harvested 15 or so years ago, old skid trails and some new will be utilized. Main access drive will be through the Carefree Small Buildings site and landing area will be adjacent to the cellular tower. Harvest will include 35,000 board feet of timber and 15 cord of firewood. Wildlife trees will be avoided. Harvest is expected to begin early October and take approximately 2 months to complete.

Motion by R. Meyer to issue a declaratory ruling that the timber harvest operation proposed by W2023-3083 is an as-of-right activity under the statutory definition of agriculture, 2nd by M. Rogers. Vote was unanimous, declaratory ruling approved.

G. **Old Business**

H. **New Business**

1. 523 Parum Road to discuss underground electric service through a wetlands area (Jared Weiner 860-334-7294). – D. Sorrentino stated that he received email this afternoon that J. Weiner could not attend this evening and he asked that the matter be placed on the 9/13/23 agenda.

I. **Enforcement** - Updates from WEO – No enforcement updates to report.

J. **Conservation** – No conservation issues at this time.

K. **Correspondence**

1. Wetland Administrative Permits Issued – No Agent-issued permits have been approved since the last meeting. Commissioners reviewed long-standing policies with D. Sorrentino regarding Agent-issued permits – generally, regulated activities within the upland review area up to within 25’ of wetlands or watercourses can be agent-issued. F. von Plachecki stated that he is available to consult if there are questions. D. Sorrentino noted that he received an application that is assigned W2023-3084 for a septic repair within the upland review area at 550 Westchester Road and asked if it should have been placed on the agenda under New Applications. Commissioners stated that if an application comes in after the agenda is posted staff can present it under “B. Additions to the Agenda” and it will be added to “F. New Applications”.

Motion by M. Rogers to revisit item “F. New Applications” add application W2023-3084 to the agenda, 2nd by R. Meyer. Vote was unanimous, application added to agenda.

D. Sorrentino clarified that the application appears to be eligible for agent approval and apologized for not being explicit about that. Commissioners stated that this does not need to be added to the agenda now. The Agent reviews the application, issues the approval, then reports it to the Commission at the next meeting under this agenda item, K.1.

Motion by R. Meyer to remove application W2023-3084 from the agenda, 2nd by M. Rogers. Vote was unanimous, application removed from the agenda.

2. Staff Updates & Other Correspondence - None
 3. Resignation of Carol Szymanski, Wetlands Enforcement Officer effective 8/4/23 - Commissioners noted Ms. Szymanski’s resignation and thanked her for her service.
- L. **Adjournment** – Motion by M. Rogers to adjourn, 2nd by R. Meyer. Vote was unanimous, meeting adjourned at 8:15 PM.

Respectfully submitted by:

Demian A. Sorrentino, Planning Director & Acting WEO