

COLCHESTER CONSERVATION COMMISSION  
Regular Meeting Wednesday, June 8, 2011  
Town Hall, 127 Norwich Avenue, Room 1  
Minutes of Meeting

**MEMBERS PRESENT:** ; Moe Epstein, Vice Chairman; Kurt Frantzen and Darrell York; Alternate: Andrew George; Jim Ford, Board of Selectmen Liaison; Staff: Wetlands Enforcement Officer: Jay Gigliotti and Clerk: Gail Therian

**MEMBERS ABSENT:** Falk von Plachecki, Chairman; Sue Bruening

**A. CALL REGULAR MEETING TO ORDER**

Acting Chairman M. Epstein called the Regular meeting to order at 7:01 p.m. A. George was seated as a voting member.

**B. ADDITIONS TO AGENDA - None**

**C. APPROVAL OF MINUTES – May 11, 2011 Regular Meeting**

Motion by A. George, seconded by K. Frantzen to approve the minutes of the May 11, 2011 meeting as presented. **Motion carried unanimously.**

**D. PUBLIC COMMENT – None**

**E. NEW APPLICATIONS**

- A. **W2011-2936**, Bertha Glemboski, 141 McDonald Rd, Assessor's Map 3-7 Lot #9, 2-Lot Resubdivision with wetlands located on Property. No proposed development Activity. Application made to comply with CGS § 8-26. *DRD 8.12.11*

J. Gigliotti told the Commission that this application is for a 2-lot resubdivision located on the corner of McDonald and Dutton Road. There is no new development planned because the resubdivision only creates a new lot line. He indicated the location of the area that would be considered, there is an intermittent stream and that half the area is now grassed. The houses are already constructed and the site is stable. He said that the application would need to be tabled to meet the 35 day statutory requirement.

Acting Chairman Epstein noted that there was no one at the meeting representing the applicant.

**Motion by A. George, seconded by K. Frantzen, to table application W2011-2936. Motion carried unanimously**

- B. **W2011-2937**, Kyle McCormick, Eagle Scout project at the Ruby Cohen Woodlands, Creation and upgrading of trails within the forested section of the property. Portions of the trail fall within the upland review area of the wetlands on the property

J. Gigliotti told the Commission that this application is for the creation and upgrading of walking trails within the Ruby Cohen Woodlands. K. McCormick is the applicant for this Eagle Scout project. K. McCormick had met with G. Plunkett, Parks and Recreation Director. Angel, Parks Supervisor and J. Gigliotti on several occasions about this project. The project will consist of several regulated activities within the Upland Review Area and he will need to upgrade an existing brook crossing. The crossing consists of a wooden bridge which will need to be repaired. The impacts to the wetlands will be temporary and minimal.

K. McCormick, applicant, explained the proposed plan of improving the trail systems at Ruby Cohen Woodlands by the creation of two (2) new trails and a Marsh Viewing Area. He said that part of his Eagle Scout project will be to service, improve and involve minor rerouting of the existing trails. He will also blaze and create a updated GPS mapping of all the trails. Eventually the mapping will be available online for Colchester residents.

**Motion by K. Frantzen, seconded by A. George to accept and table W2011-2937, Kyle McCormick, Eagle Scout project at the Ruby Cohen Woodlands , creation and upgrading of trails within the Upland Review Area. Motion carried unanimously**

**F. PENDING APPLICATIONS**

Moe Epstein recused himself from this application and appointed D. York as the Acting Chairman

- A. **W2011-2933**, New England Retail Properties Inc., Assessor's Map 3-9 Lot 18, Construction of Tractor Supply Building and smaller retail building with parking, Proposed Direct Wetland Impact & Mitigation, Plans prepared by Hallisey, Pearson and Cassidy Civil Engineers and Land Surveyors, Dated 2.10.11. *DRD 5.13.11*

J. Gigliotti told the Commission that a revised plan had been submitted and the only remaining staff comments are regarding minimal Planning and Zoning issues. There are no outstanding wetlands issues and he was satisfied with the mitigation plan.

Jim Cassidy, of Hallisey, Pearson and Cassidy was present to answer any questions the Commission had, but there were no questions or comments.

**Motion** by A. George, seconded by K. Frantzen to approve W2011-2933, New England Retail Properties, Inc., Assessor's Map 3-9 Lot 19. **Motion carried unanimously**

M. Epstein returned as Acting Chairman.

- B. W2011-2935, Doug Dubitsky, 29 Starr Road, Assessor's Map # 3-17 Lot #76, Seeking an exemption under Section 4 of the Colchester IWWA & CGS 22a-40, for construction of 36' x 48' addition to existing horse barn and extend manure loading ramp within URA.

J. Gigliotti distributed copies of an email he received from Atty. Doug Dubitsky, Attorney at Law, on June 7, 2011 at 4pm. He stated that he had not had time to do a thorough review due to the time received. During the quick review that he performed, he stated that the email was Mr. Dubitsky's interpretation of the Colchester Conservation Commission's Jurisdiction of the proposed activity.

Atty. Doug Dubitsky said that as a courtesy to the Commission, a copy of the Connecticut Department of Agriculture's report on the Iron Horse Farm's manure management system stating that it follows the generally accepted agricultural practices was attached to the email. He said that as a courtesy to the Commission, the Iron Horse Farm submitted that the grading within the Upland Review Area, i.e. the extension of the manure loading ramp approximately twenty feet parallel to (not closer to) the wetlands, is the only grading anticipated in the Upland Review Area during the proposed project. He said that the extension is already shown on the drawing submitted to the Commission. The third item he addressed was the installation of the septic tanks and he said that to date the septic tank had not been installed because there is no bathroom in the barn at this time. If in the future a septic tank will need to be installed the Iron Horse Farm will return to the Commission for their approval.

Discussion followed regarding the Commission concern about the potential pollution from the runoff from the manure into the adjacent wetlands and the possibility of a berm being installed to help protect the wetlands. Atty. Dubitsky felt that it was not within the Commission's authority under CGS 22s-40 to make requirement of a berm.

Acting Chairman Epstein stated to Mr. Dubitsky, that the Wetlands Enforcement Officer will be making routine inspections to ensure that run-off from the construction activities and the normal operations of the farm will not be polluting the wetlands. Mr. Dubitsky said that he "was not sure he had a comment to that".

**Motion** by K. Frantzen, seconded by A. George to approve W2011-2935, Doug Dubitsky, 20 Starr Road, Assessor's Map #3-17 Lot #76, Seeking an exemption under Section 4 of the Colchester IWWA and CGS 22a-40, for construction of 36' x 49' addition to existing horse barn and extend manure loading ramp within URA with the appropriate caveats regarding observations of staff on the handling of the manure operation. **Motion carried unanimously.**

G. NEW BUSINESS – None

H. OLD BUSINESS - None

I. ENFORCEMENTS

A. Ralph Govoni, 95 Cirillo Drive

J. Gigliotti told the Commission that Mr. Govoni has hired Charles Dutch, Land Surveyor, to gather the necessary data and prepare a plan in order to submit an application, which should be submitted in time for the July meeting. He said that he has visited the site and there is no further erosion or activities.

J. CONSERVATION –

A. Kyle McCormick, Eagle Scout Project

This item was addressed under New Applications.

K. CORRESPONDENCE - None

The latest issue of the Habitat had been included in the Commissioner's packets.

**L. ADJOURNMENT**

**Motion** by D. York , seconded by K. Frantzen to adjourn the meeting at 7:40 p.m.

Gail N. Therian, Clerk