

**COLCHESTER CONSERVATION COMMISSION**  
**Regular Meeting Wednesday, May 11, 2011**  
**Town Hall, 127 Norwich Avenue, Room 1**  
**Minutes of Meeting**

**MEMBERS PRESENT:** Falk von Plachecki, Chairman; Moe Epstein, Sue Bruening, 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:** None

**A. CALL REGULAR MEETING TO ORDER**

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

**B. ADDITIONS TO AGENDA-**

J. Gigliotti asked that the following two items be added to the agenda: 1) Under "Item E, New Applications" - Item A - W2011-2935 Doug Dubitsky, 29 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 48' addition to existing horse barn and extend manure loading ramp within URA; 2) Under "Item J, Conservation" - Item A - Plan of Conservation and Development.

**So Moved**, by M. Epstein, seconded by K. Frantzen. **Motion carried unanimously.**

**C. APPROVAL OF MINUTES - April 13, 2011 Regular Meeting**

**Motion** by K. Frantzen, seconded by F. von Plachecki to approve the minutes of the April 13, 2011 meeting as presented.

**Abstentions:** M. Epstein and D. York All others in favor **Motion carried.**

**D. PUBLIC COMMENT - None**

**E. NEW APPLICATIONS**

- A. **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 presented a brief overview of the application. This application is to construct a 36' x 48' extension on the existing horse barn and to extend the manure loading ramp. The applicant is seeking an exemption under Section 4 of the Colchester Inland Wetlands and Watercourses Regulations and the Connecticut General Statutes 22a-40 for this addition in the Uplands Review Area. He explained and presented the location of the proposed addition in relationship to the Uplands Review Area. He explained that the applicant was looking for a declaratory ruling that it is an "as of right" activity.

Doug Dubitsky, representing Robert and Olivia Duksa, distributed copies of the Application, letter and an attached plan to the Commissioners. He said that this is a Notice of Intent to Conduct As-of-Right Activities, and not an application. He said he was before the Commission for a declaratory ruling that it is an "as of right" activity. He said that in addition to the building, the manure loading ramp will be extended. He explained the need for this extension and the loading and transportation of the manure from the barn to the loading ramp.

The Commission had concerns about the loading ramp location near the wetlands, the possibility of contamination of the environment and any storage of manure that may occur. Atty. Dubitsky stated that it was irrelevant because it is not within the Commission's jurisdiction. K. Frantzen read Section 4.2 of the IWWA Regulations which lists the permitted as non-regulated uses in wetlands with emphasize on the following: "provided they do not disturb the natural and indigenous character of the wetlands or watercourses by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse." He stated that he felt because of the potential contamination of nitrogen from the manure, it was in the Commission's jurisdiction to regulate the activity. Discussion followed regarding the potential pollution and how to address it. After much discussion and debate, the Commission decided that a more detailed plan and further information should be submitted. They also asked that the Town Engineer review this plan for drainage issues, as well as the potential for the runoff from the manure to enter the adjacent wetlands.

**Motion** by S. Bruening, seconded by M. Epstein, to table the application W2011-2935 for 30 days for review of the documents submitted. **Motion carried unanimously**

**F. PENDING APPLICATIONS**

- A. **W2011-2934**, Jozef Kubacka, Pickerel Lake Road, Assessor's Map # 2-20 Lot #1, SFR Build out & Driveway Construction, Expired Wetlands Permit #'s W2003-2764 & W2007-2863; For SFR Build out and Driveway

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J. Gigliotti

Construction within URA. No new structures, Existing CMP Culverts do not require replacement. *DRD 6.17.11*

Moe Epstein recused himself from this application. A. George was seated as a voting member

J. Gigliotti reminded the Commission that this application was before them because permit W2007-2863 had not been renewed. He said that he had inspected the site and the three (3) culverts have been installed and are working properly.

Chairman von Plachecki said that one of the conditions of approval should be that the driveway does not exceed the 10% grade according to the Zoning Regulations and that it will never be paved.

**Motion** by D. York, seconded by S. Bruening to approve application W2011-2934, Joseph Kubacka, Pickerel Lake Road with the condition that the as-built show the driveway grade. **Motion carried unanimously**

- B. 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*

Moe Epstein recused himself from this application. A. George was seated as a voting member.

J. Gigliotti told the Commission that a letter had been received from the applicant requesting a 65-day extension as they are still working with the State Department of Transportation concerning the non-access line vs. the location.

**Motion** by K. Frantzen, seconded by D. York to table application W2011-2933, New England Retail Properties, Inc. to the next meeting and to accept the letter requesting a 65-day extension. **Motion carried unanimously**

Moe Epstein returned as a voting member. A. George was no longer seated as a voting member.

**G. NEW BUSINESS –**

**A. Paul, Fertilizer Concerns**

J. Gigliotti told the Commission that he had received several emails from a gentlemen named, Paul, who did not give his last name. Paul asked to be on the agenda to speak to the Commission about his concerns with the fertilizer being used on residences in Town. He was not present at this meeting. Chairman von Plachecki decided to move on to the next Agenda item.

**H. OLD BUSINESS - None**

**I. ENFORCEMENTS**

**A. Ralph Govoni, 95 Cirillo Drive**

J. Gigliotti distributed a copy of the Narrative and Approval letter dated March 8, 2006 for the Commission members to review. He explained that he had received a complaint from the abutting neighbor and S. Yenco, Town Sanitarian about the work being done on this property. An application was approved by the Commission in March 2006 for Mr. Govoni to dewater and muck out the existing farm pond. Mr. Govoni had submitted a timeline at the time of application and a two year permit was issued to complete this work. The permit expired on March 8, 2008. J. Gigliotti went on to present pictures of the area where the work is being done and said that he has issued a Notice of Violation on April 19, 2011 and has told Mr. Govoni that erosion and sediment controls must be put in place. Mr. Govoni has installed the E & S per J. Gigliotti's recommendation. M. Epstein asked if J. Gigliotti had checked for sedimentation downstream. He said yes, there is downstream sedimentation and he has concerns because of the property's location near Lake Hayward and the 8 Mile River Watershed. He said Mr. Govoni would like to restore the sleuth way to return the water to the stream. Discussion followed. The Commission agreed that Mr. Govoni will need to submit an application, a plan and photographs documenting the work performed. He was also instructed to add additional erosion and sediment controls in the interim. J. Gigliotti will work with Mr. Govoni and will make periodic inspections of the work being done.

J. CONSERVATION --

A. Plan of Conservation and Development

J. Gigliotti said that Alternate Commission member A. George asked for this item to be added to the agenda. A. George asked about the status of the updating of the Plan of Conservation and Development. J. Gigliotti explained that presently the Planning & Zoning Commission is working on updating the Zoning and Subdivision Regulations before the updating of the Plan of Conservation and Development. This should be accomplished by the end of this year. He explained that A. Turner, Town Planner plans to meet with all Land use Commissions to discuss these regulation changes. The Plan of Conservation will not be a new plan, but the existing Plan will be updated. Discussion followed regarding the Updating process.

K. CORRESPONDENCE

A. DEP Training Segment 1 and 2

J. Gigliotti announced that K. Frantzen had successfully completed all three (3) segments of the DEP Training. He told the Commission that if anyone was interested in attending these training segments, please contact him.

K. ADJOURNMENT

**Motion** by S. Bruening, seconded by M. Epstein to adjourn the meeting at 8:15 p.m.

Gail N. Therian, Clerk