

COLCHESTER CONSERVATION COMMISSION May 10, 2012 at 11:30am
Regular Meeting Wednesday, May 9, 2012
Town Hall, 127 Norwich Avenue, Room 1
Minutes of Meeting

Attest, Nancy A. Bray, Town Clerk

MEMBERS PRESENT: Falk von Plachecki, Chairman; Kurt Frantzen; Moe Epstein, and Sue Bruening (Arrived at 7:03 p.m.); Alternate: Andrew George Staff; Wetlands Enforcement Officer: Jay Gigliotti; Town Planner: A. Turner and Clerk: Gail Therian; Jim Ford, Board of Selectmen Liaison (arrived at 7:08 p.m.)

MEMBERS ABSENT – Darrell York

A. CALL REGULAR MEETING TO ORDER

Chairman von Plachecki called the Regular Meeting to order at 7:03 p.m. A. George was seated as a voting member.

B ADDITIONS TO AGENDA -

J. Gigliotti asked the Commission to consider simultaneously Item A, under "I – Enforcement" along with Item A under "F – New Application"

So moved, by A. George, seconded by K. Frantzen. **Motion carried unanimously**

C APPROVAL OF MINUTES – Special Meeting April 17, 2012

Motion by K. Frantzen, seconded by M. Epstein. York to approve the minutes of the April 17, 2012 Conservation Commission Special Meeting as presented. **Motion carried unanimously.**

D. PUBLIC COMMENT – None

E. PENDING APPLICATIONS

- A. W2012-2946 – Rodney Goldberg, Phase 2 Goldi-Locks Self Storage, Lebanon Avenue, Assessor's Map 5-6 Lot 21-2, Construction of new retention basin, larger in size. No direct wetland impacts, URA Only. Plans Entitled "Goldi-Locks Self Storage Phase 2" Prepared for Goldi Locks Self Storage LLC dated 12-14-11 revised through 4-21-12.**

M. Epstein recused himself from this application.

J. Gigliotti distributed copies of his Staff review to Commission members. He explained that this application is for the construction of 68 new storage units at the existing Goldi Locks Self Storage. He said that the proposed grading associated with the new building shall facilitate the tiered storage units. The only disturbance will be in the Uplands Review Area will be for the construction of the retention basin and will only be a temporary disturbance. All easements are in place and all Staff comments have been addressed.

Motion by K. Frantzen, seconded by S. Bruening to approve W2012-2946, Rodney Goldberg, Phase 2 Goldi Locks Self Storage, Lebanon Avenue as revised and discussed and recommended by the Commission's agent. **Motion carried unanimously.**

F.. NEW APPLICATIONS

M. Epstein returned as a voting member.

- A. W2012-2947 – Michael Dimiata, 488 Parum Road, Assessor's Map 3-5 Lot 21-7, Application made as part of enforcement and as Agricultural Exemption. Activity occurs within the URA. Application made due to current C & D on property.**

J. Gigliotti distributed copies of his Staff Report and a copy of the letter to Michael Dimiata from Craig Grimord, Assistant Planner & Zoning Enforcement Officer. He said that Mr. Dimiata and Mr. Sipperly, his Soil Scientist had met with Staff and the applicant has submitted an application and associated plans showing the extents of his agricultural activity. He said that C. Grimord, Zoning Enforcement Officer has sent Mr. Dimiata a letter rescinding the Zoning Cease & Desist Order and explained the limits of clearing and zoning requirements. J. Gigliotti stated that it is Staff's recommendation that the application for exemption be approved and that the Cease and Desist order be rescinded. He said that Staff will monitor the site for compliance with the approved plan. Discussion followed regarding the Zoning stipulation that the agricultural use be established within 90 days to validate the permit exemption.

Motion by M. Epstein, seconded by S. Bruening to approve W2012-2947 and to rescind the Cease and Desist Order at this time. **Motion carried unanimously.**

Chairman von Plachecki asked for a motion as to the determination that this is an as of right activity.

Motion by K. Frantzen, seconded by S. Bruening to notify the applicant that the plan is permitted as of right and in accordance with the regulations and although it is as of right, there are still rules and regulations to be adhered to not only on the local level but the State regulations involved as well. **Motion carried unanimously**

G. NEW BUSINESS -

A. Case Law

Chairman von Plachecki spoke about the article in the *Habitant* newsletter entitled "Wetlands Agencies and the Fourth Amendment. A discussion followed regarding the Wetlands Enforcement officer gaining access to a property that he has received a complaint. The Commission suggested that the Wetlands Officer contact the owner of the property requesting access to the property after receiving a complaint. Staff will continue gathering information on this issue.

H. OLD BUSINESS – None

I. ENFORCEMENTS –

A. 488 Parum Road – Property of Michael Damiata

Discussed and acted on under Item F- New Applications.

J. CONSERVATION

K. CORRESPONDENCE -

J. Gigliotti told the Commission that the Department of Energy and Environmental Protection will be providing training in the summer and if anyone is interested to be contact him directly.

J. Gigliotti said that he had included a copy of the proposed plan for the State Department of Transportation Construction of Repair and Electrical Facility. Discussion followed regarding the access into the facility and the proposed time line.

L. ADJOURNMENT

Motion by K. Frantzen, seconded by A. George to adjourn the meeting at 7:36 p.m.

Gail N. Therian, Clerk