

COLCHESTER CONSERVATION COMMISSION
Regular Meeting Wednesday, December 11, 2013
Town Hall, 127 Norwich Avenue, Room 1
Minutes of Meeting

AMENDED

MEMBERS PRESENT: Falk von Plachecki, Chairman; Kurt Frantzen, Vice Chairman; Darrell York, & Sue Bruening; Alternates: Ericka Fuery and Andrew George; Staff: Environmental Planner/ Wetlands Enforcement Officer. Officer: Jay Gigliotti

MEMBERS ABSENT: Moe Epstein;

A. Call to Order and Open Public Hearing

- A **W2013-2963-** Application to revise the Town of Colchester's Inland Wetland and Watercourse Regulations. Revisions to the regulations are the suggested Regulation and Legislation Advisories as published by the CT DEEP.

Chairman von Plachecki called the Continuation of Public Hearing to order at 7:08 p.m. He said that K. Frantzen, D. York, S. Bruening, and he were the members to be seated. E. Fuery, alternate, & A. George, alternate, were seated as a voting members.

J. Gigliotti read the Public Hearing Record Items, A –N, into the record.

Chairman von Plachecki stated the Public Hearing for these regulation revisions was continued due to research of the Connecticut General Statutes section 8.7, in order to address comments from Mr. Craig Grimord, Zoning Officer/Assistant Planner. Chairman von Plachecki stated that copies of CGS sec. 8-7 were provided to each Commission member. Discussion followed regarding the revisions that should be made to the proposed regulations.

Chairman von Plachecki asked J. Gigliotti for his recommendation at which point J. Gigliotti suggested that the regulations should be revised so that all changes are made per previous discussions and in areas where the Connecticut General statutes are referred to should include the phrase "As amended".

Motion by K. Frantzen seconded by S. Bruening to complete the revisions to Section 8.2 of the suggested Inland wetland and watercourse regulations per Colchester ZEO, Craig Grimord's comments and per section 8-7d of the CGS for application W2013-2963- Application to revise the Town of Colchester's Inland Wetland and Watercourse Regulations. Revisions to the regulations are the suggested Regulation and Legislation Advisories as published by the CT DEEP.
Motion carried unanimously

Motion by K. Frantzen, seconded by A. George, to continue the Public Hearing on W2013-2963 until the next regularly scheduled meeting of January 8, 2014. **Motion carried unanimously**

Public hearing ended at 7:17 p.m.

B. **CALL REGULAR MEETING TO ORDER**

Chairman von Plachecki called the Regular Meeting to order at 7:17 p.m. A. George was seated as a voting member.

C. **ADDITIONS TO AGENDA** – None

D. **APPROVAL OF MINUTES** – Meeting Minutes of November 13, 2013 and the Special Meeting on November 18, 2013.

Meeting Minutes of November 13, 2013

Motion by A. George, seconded by S. Bruening to approve the Minutes of the Regular Meeting of November 13th, 2013.
Motion carried unanimously.

Special Meeting Minutes of November 18, 2013

Chairman von Plachecki stated that under the Adjournment section of the minutes it should read: "**Motion** by M. Epstein, seconded by K. Frantzen to adjourn." "**Motion carried unanimously.**"

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Motion by K. Frantzen, seconded by A. George to approve the Minutes of the Special Joint Meeting of the Colchester Conservation Commission with the Agriculture Commission and the Open Space Advisory Committee on November 18, 2013 be approved as amended. **Abstentions:** E. Fuery All others in favor **Motion carried.**

E. PUBLIC COMMENT – None

F. PENDING APPLICATIONS

- A. W2013-2966-** Estate of Barbra Standish, Usher Swamp Rd, Assessor's Map# 2-14 Lot# 7-4, Proposed 7-Lot Subdivision, No Road Construction, minimal URA Impacts and combination of Open Space & Conservation Easements. *DRD 1/17/2014*

J. Gigliotti reviewed the subdivision layout and detailed the proposed open space with the commission. He explained that the only impact associated with the subdivision was the location of the rain garden on lot 4 which was placed within the 75' URA. He also expressed his concerns with the amount of clearing proposed for the installation of all the proposed rain gardens. J. Gigliotti stated that the largest issue with the subdivision was that of the open space. He explained that the applicant is proposing a combination of 2 types of open space; Open Space Land and Conservation Easement. The land being proposed to meet the open space requirements is comprised mainly of wetlands. Additionally, neither the land encompassed by the proposed conservation easement or the land to be dedicated as open space, is not contiguous with other town owned land holdings. Citing the "Open Space Plan" and the "Plan of Conservation and Development", J. Gigliotti explained the town may find that the proposed open space is not desirable. While the Conservation Commission shall be voting on a final design of the subdivision, which includes the open space, the ultimate decision on whether to accept the proposed is up to the Planning and Zoning Commission. Mr. Gigliotti further explained that after reading Mr. Grimord's review and having several conversations with him, it seems that it may better to propose a "Fee in Lieu" of the open space. He further detailed that should the Planning and Zoning Commission require a different form or type of open space than what the conservation commission approved, then the entire subdivision application may have to return to the conservation commission as the plans may change significantly.

The agent for the applicant, Mr. Gordon Sime, explained that he could revise the plan and pull the rain garden back closer to the house getting it out of the URA. He also explained that the rain gardens were located where they were in order to get the appropriate pitch ensuring they would function properly.

Motion by S. Bruening, seconded by E. Fuery to table W2013-2966 for staff reviews, reconsideration of the Open Space area and revisions to remove Rain Garden out of Review area. **Motion carried unanimously.**

Chairman von Plachecki said that D. York had arrived and was seated as a voting member. E. Fuery remained seated and A. George stepped down as a voting member.

G. NEW APPLICATIONS

- A. W2013-2965-** James Sipperely, applicant for W2013-2965 – Construction of Farm Pond, asked for explanation as to why this item was removed from this agenda.

J. Gigliotti explained the location of the proposed farm pond to the Commission.

James Sipperely, Soil Scientist, explained that this is an application for a construction of a farm pond for irrigation for planting of additional Christmas trees. He said that Mr. Baldi was requesting a Jurisdictional Ruling from the Commission. He explained how the farm pond would be constructed. The pond would be 14' deep and the pond will be stocked with trout. A small island will be constructed to attract wildlife. Mr. Baldi would like to begin construction this fall with completion in the spring of 2014. He plans to plant 600 to 700 Christmas trees around the pond. This pond could also be used as a fire pond. Discussion followed regarding the construction of the island, elevations, depth of the pond and how this pond will contribute to conservation. Mr. Sipperely will provide documents from the DEEP regarding the Permitted Uses Statute at the next meeting.

Richard Baldi, owner of the property, explained the need for this farm pond. Discussion followed regarding the wetlands located on the property.

Motion by S. Bruening seconded by E. Fuery to table #W2013-2965 for DEEP white papers and additional information. Opposed: K. Frantzen All other members voted in favor, **Motion carried.**

- B. W2013-2967-** Peter & Virginia Reneson, Bull Hill Road, Assessor's Map 05-19 Lot 003-000, Proposed 2-Lot subdivision, No public improvements, No URA or Wetlands Impacts. *DRD 2/14/14*

J. Gigliotti explained the location of this property and where the created lot would be located. The only wetlands on the property is a pond but it is not near the upland review area. There are no wetlands impact. Discussion followed regarding location of the lot to be created.

Motion by D. York, seconded by K. Frantzen to table W2013-2967 for statutory reasons to the next meeting. **Motion carried unanimously.**

- C. **W2013-2968-** Rodney Goldberg, Goldberg Road, Resubdivision of lots 11 & 12 located at the end of Goldberg Road, the Road has not currently been accepted. *DRD 2/14/13*

J. Gigliotti explained that these lots are part of the White Oak subdivision. He said the applicant is purposing a re-subdivision to modify lot 11 and Lot 12. He feels the input from this Commission should be conservation base. He explained that the road development and the Open Space were based on the recommendations of the Plan of Conservation and Development to preserve and protect the land. J. Gigliotti is in the process reviewing the original Wetlands application for the White Oak Development and will report to the Commission at the next meeting. Discussion followed regarding the possible negative effect of the original Conservation Commission approval.

Motion by D. York, seconded by S. Bruening to table W2013-2968. **Motion carried unanimously**

- D. **W2013-2969** Selective Timber Harvest, Nicholas Zito Applicant, 51& 53 South Road, Assessor's Map 06-016 Lot #s 00I and 001-01B. Harvest is a combined 2-property harvest to be conducted by the same applicant, one intermittent Stream Crossing, no wetlands or URA Activity, As-of-Right Activity.

D. York recused himself. A. George was seated as a voting member.

J. Gigliotti explained the location of the activity and said that this is the property of Commission member D. York. This is a selective timber harvest and before the Conservation Commission because of one intermittent water course on the property. Portable bridges will be used to cross the water course. It will not be a large harvest. He will monitor the erosion control measures.

Motion by K. Frantzen, seconded by S. Bruening to recognize W2013-2969 Selective Timber Harvest, Nicholas Zito Applicant, 51& 53 South Road, Assessor's Map 06-016 Lot #s 00I and 001-01B as an As-of-Right activity. **Motion carried unanimously**

D. York returned as a voting member and A. George stepped down as a voting member.

H. OLD BUSINESS --

A. Pickerel Lake Drawdown Status

J. Gigliotti updated the commission on the Pickerel Lake drawdown. He said that due to the draw down and the drought conditions several residents in the area did not have water for several weeks.

I. NEW BUSINESS --

A. Election of Officers

Chairman von Plachecki opened the floor for nominations for Chairman and stepped down as Chairman for this election. Vice Chairman K. Frantzen took over as Chairman.

Motion by S. Bruening, seconded by D. York to open the floor for nominations as Chairman. **Motion carried unanimously.**

Motion by D. York, seconded by S. Bruening to nominate Falk von Plachecki as Chairman.

Motion by S. Bruening, seconded by D. York to close nominations. **Motion carried unanimously.**

Motion by D. York, seconded by S. Bruening to elect Falk von Plachecki as Chairman for 2014. **Motion carried unanimously.**

Chairman von Plachecki returned as Chairman.

Motion by E. Fuery, seconded by S. Bruening to open the floor for nominations for Vice Chairman. **Motion carried unanimously**

Motion by E. Fuery, seconded by D. York to nominate Kurt Frantzen as Vice Chairman.

Motion by D. York, seconded by S. Bruening to close nominations for Vice Chairman. **Motion carried unanimously**

Motion by E. Fuery, seconded by D. York to elect K. Frantzen as Vice Chairman. **Motion carried unanimously**

B. 2014 Regular Meeting Schedule

J. Gigliotti distributed the official copy of the 2014 Regular Meeting Schedule.

J. ENFORCEMENTS –

A. 13 Rudden Lane – Development of Plan and Application

J. Gigliotti said he hopes to have the application for the January 2014 meeting.

B. 19 Cato Corner Road

J. Gigliotti said that the homeowner had cleared and grading up to the edge of the pond on this property. There is no house on this property, just a barn. He explained the location of the pond. He believes that excavation was done in the limits near the pond. He sent a Notice of Violation. If he does not hear from him by 10 to 15 days before the January meeting, he will issue a Cease and Desist Order and a Show Cause Hearing will be held in January. Discussion followed.

K. CONSERVATION - None

L. CORRESPONDENCE - None

M. ADJOURNMENT

Motion by D. York, seconded by K. Frantzen, to adjourn the meeting at 8:44 p.m. **Motion Carried Unanimously**

Transcribed by Gail N. Therian