

**COLCHESTER CONSERVATION COMMISSION
PUBLIC HEARING
Regular Meeting To Follow
Wednesday, September, 13, 2017
Town Hall, 127 Norwich Avenue, Room 1
Minutes of Meeting**

MEMBERS PRESENT; Falk von Plachecki, Chairman; Moe Epstein, Sue Bruening and Andrew George; Alternate: Rebecca Meyer; Staff: Jay Gigliotti, Wetlands Enforcement Officer; Kamey Cavanaugh, Clerk

MEMBERS ABSENT: Darrell York, Vice Chairman, Board of Selectmen Liaison, John Jones

B. CALL REGULAR MEETING TO ORDER

Chairman von Plachecki called the Regular Meeting to order at 7:01 p.m.

Rebecca Meyer was seated as a voting member

C ADDITIONS TO AGENDA –

Jay Gigliotti asked that the following items be added to the agenda:

- Item A under New Applications- W2017-3017- Goldi-Locks Self Storage, LLC- applicant/owner- 359 Lebanon Avenue (Route 16), Assessor's Map 05-06 Lot #s 021-001 & 002, Proposed new mini-storage buildings #s 6 & 7, Phase IV *DRD 11/17/17*
- Item A. under Old Business- U.S. Army Corps of Engineers correspondence relating to 82 Davidson Road

Andrew George asked to add a discussion about the Norton Mill under Conservation Item B on the agenda.

Motion made by A. George to add these items to the agenda. Seconded by M. Epstein. All members voted in favor. Motion Carried.

D. APPROVAL OF MINUTES – Meeting Minutes of August 9, 2017

Motion made by A. George to approve the August 9, 2017 Meeting Minutes. Seconded by S. Bruening. All members voted in favor. Motion Carried.

E. PUBLIC COMMENT – None

F. PENDING APPLICATIONS –

- A W2017-3010- Stephen Fedus- applicant/ owner- 203 Amston Road (Route 85), Assessor's Map 21-00 Lot #003- Proposed residential apartment buildings, parking and drainage facilities, activity within wetlands URA.**

Chairman von Plachecki asked Jay Gigliotti, weo, what the status of the statutory required deadline for the commission to make a decision on the application was. Mr. Gigliotti explained the commission had to make a decision on this application at tonight's meeting. The applicant previously utilized two (2) extensions totaling 65-Days and cannot extend the deadline for a decision any further.

Chairman von Plachecki explained at the last meeting, the commission closed the public hearing portion of this application. At that time, the plan set before the commission had a number of outstanding comments from town staff and the commission had particular interest in the comments from the town engineer. A fair portion of the outstanding comments from S. Tassone, town engineer, related to the potential impact to the regulated areas on the property from the development.

Once the public hearing was closed, the commission could no longer accept any revisions to the plans from the applicant and technically would have had to vote on the plan set with all of the outstanding staff comments. However, Chairman von Plachecki, citing a procedural note from the CGS Guideline book "What's Legally Required", allowed the applicant to revise their plan set to address comments from all the town staff relative impact to regulated areas and resubmit the revisions to the commission no later than five (5) days from tonight's meeting (9/13/17). This was done after the public hearing on August 9, 2017 and provided both the applicant the ability to submit revised plans and the public with the ability to review these revised plans, five (5) days before the next meeting (tonight's 9/13/17 meeting).

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Rebecca Meyer
CLERK

Chairman von Plachecki asked J. Gigliotti if he had received revised plans that addressed the outstanding staff comments, five (5) days prior to this evenings meeting (9/13/17). J. Gigliotti stated that he had not received any revised plans to date. Discussion followed regarding the current plan set, staff comments and other pertinent information on the application.

Motion made by A. George to deny application W2017-3010 without prejudice, for failing to submit a revised plan set that addresses all outstanding comments from staff regarding potential impacts to regulated areas from the development. Seconded by R. Meyer. All members voted in Favor. Motion Carried.

- B. W2017-3016** - Evergreen Acres, LLC- Owner/ Applicant- 464 Windham Avenue, Assessor's Map #07-02 Lot # 02B-000, Proposed 150' x 300' x 15' Irrigation Pond, Request for declaratory ruling, As-of-Right activity per section 4 of Colchester IWWR

Jay Gigliotti, weo, explained to the commission this application was before them last month and was tabled to determine some additional information. The concern at the 8/9/17 meeting was the potential for the new pond to create additional regulated area on the abutting property not owned by Evergreen Acres. The plot plan submitted with the request for a declaratory ruling, indicated the pond was near the abutting property and the upland review area from the edge of a pond or open water body/ watercourse, is 100'. The commission requested the applicant to have a certified soil scientist, flag the limits of the wetlands in the area of the abutting property. The applicant shall then resubmit a plan to the commission at their next regular meeting.

Jay Gigliotti provided the commission members copies of a revised plot plan and a letter from Richard Snarski, Certified Soil Scientist, who had conducted a field delineation of the wetlands in the subject area. Additionally, Mr. Gigliotti was able to verify, through the Colchester Land Records, that the property line was an existing stone wall/ barbed wire line in the area of the proposed pond and wetlands. Mr. Snarski's letter summarized his delineation and the revised plan indicated the proposed new irrigation pond was located a minimum of 25' from the limit of the delineated wetlands, into the property ,away from the stone wall/ barbed wire property line. By locating the pond a minimum of 25' away from the limits of the wetland delineation, the applicant was able to ensure the construction of the new 150' x 300' irrigation pond would not extend additional upland review area onto the abutting property.

Motion by A. George to recognize application #W2017-3016 as an As-of-Right exempt activity under section 4 of the Colchester inland wetland & watercourse regulations. Seconded by M. Epstein. All Members voted in Favor. Motion Carried.

G. NEW APPLICATIONS –

- A. W2017-3017**- Goldi-Locks Self-Storage, LLC-Owner/ Applicant- 359 Lebanon Avenue (Route 16), Assessor's Map # 05-06 Lot #'s 021-001 & 021-002, Proposed new mini-storage buildings #s 6 & 7- Phase IV DRD 11/17/17

Jay Gigliotti explained that this application was an addition to the agenda as the planning & zoning department had just received the application and supporting documents on 9/12/17. He explained the P&Z Dept. staff had met with the applicant prior to his application submission and had not yet received any reviews from staff as he had distributed the application and plans out to staff requesting their review yesterday (9/12/17).

Jay Gigliotti provided a review of the application highlighting the 250 sq ft of direct wetland impacts and the activity within the upland review area. He provided several plan sets for the commission to briefly review, in order to understand the location of the proposed activity. The commission can only accept and table this application at tonight's meeting, in order to comply with statutory time frames.

Brandon Handfield PE, representing the applicant reviewed the application in slightly more detail. He explained the process of the stormwater management design, highlighting the porous pavement, wetland and URA impacts, stormwater basin and the proposed mitigation through the removal of invasive vegetation and the establishment of native vegetation.

Motion made by R. Meyer to table application #W2017-3017 for statutory requirements, until the next regular meeting. Seconded by S. Bruening. All members voted in Favor. Motion Carried.

H. OLD BUSINESS –

A. United States Army Corps of Engineers correspondence regarding 82 Davidson Road

Jay Gigliotti passed out copies of an email he had received from the Army Corps of Engineers to all of the commission members. The email, was received on Monday, 9/11/17, and stated the Hatch's request for an extension had been approved. The new deadline for the restoration work is October 30, 2017 and the new deadline for the report is November 15, 2017.

I. NEW BUSINESS – None

J. ENFORCEMENTS – None

K. CONSERVATION –

A. Joe Piechta Subdivision

Jay Gigliotti explained to the commission that Mr. Joe Piechta obtained a 7-Lot subdivision approval in 2011, for a parcel of land located on McDonald Road and Homonick Road. The subdivision was approved with an approx. 20 acre piece of the property set aside as open space. The subdivision was approved with the condition the developer transfer the open space portion of the property to the Colchester Land Trust. The subdivision has remained dormant until earlier this month when staff had a pre-construction meeting with Mr. Piechta who is beginning the process of completing the subdivision. One of the items required for him to move forward with the development of the subdivided lots is the transfer of the open space to the land trust. The transfer is in the process and shall be completed soon.

B. Norton Mill

Andy George explained to the commission that he attended a dedication ceremony at the Norton Mill site on Westchester Road (Route 149). He explained that while there is still a fair amount of work to be completed, the project shall be entering into its final phase soon. In attendance at the ceremony were representatives from The Nature Conservancy, the Colchester Land Trust, political figures, family members of the prior property owners and the CT DEEP. Steve Gephart, head of the CT DEEP Fisheries division, was in attendance at the event and commented on how the river has responded extremely well to the removal of the dam. The water is flowing in a manner like it did back in the 1700's, before a dam existed on the river. This has created a positive effect on the species of fish that reside and utilize the river.

L. CORRESPONDENCE

A. 2017 Annual CACIWC Conference

Jay Gigliotti explained to the commission that the CT Association of Conservation and Inland Wetland Commission (CACIWC) annually holds a conference covering topics in current wetland law, low impact design, new technologies in development...etc. This year is the 40th annual conference and is scheduled for Saturday, November 18, 2017. He stated that he was going to try and attend the annual conference and any commission members who were interested in attending should get in touch with him sooner than later. There is a schedule of events and workshops occurring throughout the day of the conference and members can choose which seminars they are most interested in attending. The Town will cover the attendance cost of any conservation commission member who wants to attend.

M. ADJOURNMENT

Motion made by M. Epstein to adjourn the September 13, 2014 Colchester Conservation Commission Meeting. Seconded by S. Bruening. All members voted in Favor. Motion Carried.

Chairman von Plachecki adjourned the September 13, 2017 Conservation Commission meeting at 8:05pm.

Respectfully Submitted,

Jay Gigliotti