

COLCHESTER CONSERVATION COMMISSION
REGULAR MEETING
WEDNESDAY, SEPTEMBER 9TH, 2009
TOWN HALL, 127 NORWICH AVENUE
7:00 P.M.

Members Present: Chairman Gary Avery, Vice Chairman Falk vonPlachecki, Kurt Frantzen, Moe Epstein, Andy George, Sue Bruening (7:02p.m.)

Members Absent: Mary Bylone, Darrell York

Others Present: Jay Gigliotti, Wetlands Enforcement Officer, John Malsbenden, BOS Liaison, Peter Carli, John Matheson, Sandy Matheson, David Sherwood, Matthew Duvet, Ben Duffy

1. **Call Regular Meeting to Order:** Chairman Avery called the meeting to order at 7:02 p.m. and noted that alternate, A. George, would be a voting member for the meeting.
2. **Additions to Agenda:** F. vonPlachecki motioned to add to Item 10 Conservation, 10 D. Pierpont Plaza, seconded by M. Epstein. All members present voted in favor. **MOTION CARRIED.**
3. **Approval of Minutes 8.12.09*****Amend Minutes of 6.10.09:** F. vonPlachecki motioned to table the approval of the 8.12.09 minutes due to the fact that members had not been able to review prior to the meeting, seconded by M. Epstein. All members present voted in favor. **MOTION CARRIED.**
F. vonPlachecki motioned to amend the 6.10.09 minutes to include the property evaluation worksheet for the land acquisition of Mc Donald Road/ Ruby Cohen parcel, seconded by K. Frantzen. All members present voted in favor. **MOTION CARRIED.**
(S. Bruening arrived at this time.)
4. **Public Comment:** None
5. **New Applications---- To be accepted**
 - A. **W2009-2918, Settlers Greene, LLC, 312 Lebanon Ave., Mixed use development, Commercial and residential buildings, 630 sq ft direct wetland impact for sidewalk, no buildings within review area, water/sewer and 2 detention ponds, and storm water treatment, Plan date February 4th, 2009 revised through August 24th, 2009 DRD11.13.09:**
The application was approved in April with the stipulation that if major changes were made it was to return to the Conservation Commission. Changes made include there now being 2 detention basins, additional 5 ft. of sidewalk, and the layout of buildings and pervious pavers. Changes were made per direction of the town engineer and planning and zoning commission. M. Epstein questioned the use of chemicals on pavers to remove snow and ice and the runoff going in the detention pond. M. Duvet of Malone and MacBroome believes that an environmentally safe product could be used. J. Gigliotti's staff comments were discussed. The pipe on the western access drive has been removed.
F. vonPlachecki motioned to accept W2009-2918, seconded by K. Frantzen. All members present voted in favor. **MOTION CARRIED.**
 - D. Sherwood requested a special meeting after the statute required 14 days in order to proceed to Planning and Zoning sooner. The commission will consider this request.
6. **Pending applications----- To be discussed and possibly take action**
 - **W2009-2915, Bill Wolf, 275 West Rd, Assessor's Map # 1-11 Lot # 6, Construction of a garage within 100' of pond:**
No site plans are available. The garage has been reduced in size and the location moved but still remains in the 100 ft. buffer area. Pictures of the site were reviewed. Chairman Avery said that he would still like the garage moved back. F. vonPlachecki pointed out that then it would be located closer to the stream in the back and more of the area would be disturbed by putting in a gravel driveway.
F. vonPlachecki motioned to approve W2009-2915 with the garage being a minimum of 60-65 ft. from the pond, the limits of the building staked out and the Wetlands Enforcement Officer verifying, and if possible without interfering with the septic system move the further away from the house, seconded by M. Epstein. All members present voted in favor. **MOTION CARRIED.**

- **W2009-2916, Ben Duffy, 126 River Road, Assessor's Map 6-14, Lot 17-1, clear brush, stumps, roots & reseed for increased yard within 75' upland review area DRD 10.16.09:**

**Chairman Avery recused himself from this application. Vice-Chairman vonPlachecki took over the meeting.

Mr. Duffy spoke on behalf of his application. He would like to restore the area to grass. There was no upkeep prior to his purchase. The larger trees will remain and smaller trees cleared out.

S.Brueening motioned to approve W2009-2916, seconded by M. Epstein. All members present voted in favor. **MOTION CARRIED.**

** Chairman Avery returned and took back over the meeting.

- **W2009-2917, Jess McMinn, 216 Pickerel Lake Rd., Assessors Map 3-20 Lot 31, 4-Lot subdivision with municipal Improvements, No Wetlands or URA impacts with proposed Conservation Easements DRD 10.16.09: Application was withdrawn.**

7. **New Business----- To discuss and possibly take action: None**

8. **Enforcement**

- **Mr. & Mrs. Rioux, 215 & 219 Lakeview Dr.:** J. Gigliotti has received notice from the DEP that the lake will be drawn down 5 ft. on November 2, 2009. During this time Mr. & Mrs. Rioux will need to pull out the wall they put up and reconstruct. February 4, 2009 the lake will be brought up 2 ft. In April it will be brought up to full capacity. Chairman Avery would like to set a 30 day time frame after the draw down occurs to complete the necessary work. At this time the pipe work has not been done. Mr. and Mrs. Rioux will be asked to attend the October meeting.

9. **Conservation**

- **Kotch Subdivision, Settlers Path open space:** F. vonPlachecki motioned to reaffirm the commission's stance that the application would be a fee-in-lieu, seconded by S. Burdening. All members voted in favor. **MOTION CARRIED.**

The application was approved with the understanding that it would be a fee-in-lieu. The applicant is now offering open space. The town does not want the land. There would be no access to the land.

F. vonPlachecki motioned to add Right to Farm to Item 9. Conservation, seconded by M. Epstein. All members present voted in favor. **MOTION CARRIED.**

- **Right to Farm:** A. Turner, Town Planner, has written a proposed Right-to-Farm Ordinance. A copy was given to the commission to review .

A. George motioned to approve the concept of the Right to Farm as an ordinance, seconded by K. Frantzen. All members present voted in favor. **MOTION CARRIED.**

10. **Correspondence**

- **E&S Regulation Town of Colchester Inland Wetland and Watercourse Regulations § 7.6:** Information on what an E & S plan is. Included was a list of certified professionals in Erosion and Sediment control. There was discussion as to at what size the E& S regulation would take affect.
- **DEP Training segment #3...Forestry & Agriculture:** The training will be held at Colchester Town Hall on October 28, 2009.
- **Open Space Tags:** Current open space is being marked with Conservation Easement tags. J. Gigliotti feels this is confusion and separate open space tags should be offered. F. vonPlachecki motioned to buy Open Space Tags with J. Gigliotti writing an article for publication explaining the use and availability of the tags.
- **Pierpont Plaza:** The plans have been updated to show the conservation easement all the Red Maple swamp area.

11. **Adjournment:** M. Epstein motioned to adjourn. Seconded by F. vonPlachecki. All members present voted in favor. **MOTION CARRIED.**

Chairman Avery adjourned the meeting at 8:37 p.m.

Dawn LePage, Clerk