

DATE
APPROVED:

CONSERVATION COMMISSION MINUTES FOR FEBRUARY 21, 2013 PAGE #13-7

MEMBERS PRESENT:

Vice Chairman, Tom Failla, Robert Turner, Catherine Minter, Michael Zegers and Ted von Rosenvinge

Meeting on digital recording dated 2/21/13

Mr. Failla opened the February 21st Regular meeting of the Weston Conservation Commission at 7:30 p.m.

SET WALK DATE

The walk date was set for Saturday March 9, 2013. The members will meet at Town Hall at 7:30 a.m.

PRESENTATION: CLP ACTIVITY REGARDING SCHEDULED MAINTENANCE ON SELECT RIGHTS OF WAY IN WESTON IN 2013

Tony Johnson, from the Vegetation Management Division and Dan Burns, Transmission Arborist for the area came forward to present the cyclical maintenance for vegetation control on the electric rights of way in Weston. Mr. Johnson explained that they do maintenance every four years with brush cutting and removal of invasive species. The maintenance is performed in 2 parts, during the dormant season they do selective cutting and then again in the summer to get the invasive species. He presented a map that shows the locations. Mr. Failla noted that they don't need a permit from the Commission, they are just here to seek advice. He then questioned what pesticides and methods will be used to avoid unnecessary contamination to the wetlands. Mr. Johnson explained that the objective is to target tree and shrub species and he showed the setbacks from wetlands, noting that they try to keep 10 feet back. He then described how they cut the stems and treat stumps to prevent re-sprouting and how the foliage is treated by hand with the person wearing a backpack. It was noted that it will take about two days to complete both areas in town and that they will notify the Land Use Office when they will be doing the actual work.

RECEIPT OF APPLICATIONS:

- Aron, 211 Weston Road, pool (Signature Pool)
- Medvedev, 130 Newtown Turnpike, paths to the river

MOTION FOR RECEIPT

Mr. Failla made a motion to receive the application of Aron, 211 Weston Road and Ms. Minter seconded. All in favor, the motion carried (5-0).

MOTION FOR RECEIPT

Mr. Failla made a motion to receive the application of Medvedev, 130 Newtown Turnpike and Ms. Minter seconded. All in favor, the motion carried (5-0).

DISCUSSION OF APPLICATION: K. SIMITCHIEVA, 9 MAUREEN DRIVE, INGROUND POOL

Joe Ferrara, Aqua Pool & Patio, and Ms. Simitchieva, owner, came forward to present the application. Ms. Simitchieva explained that they bought the house recently and when they purchased the property there was an approved pool on the plans which was never built. Following questions posed by Mr. Failla, it was decided that they would return next meeting with more detail on the specific location of the pool and the patio surrounding the pool. He also asked for them to provide the location where the stockpile will be and to provide a plan to deal with the water runoff. Discussion was continued to next month's meeting.

DISCUSSION OF APPLICATION: GROVES, 349 GOODHILL ROAD, NEW MODULAR HOUSE TO REPLACE EXISTING

Mrs. Groves, owner, came forward and explained that Jeff Andrews from the Health Department has requested changes but the builder was not able to revise the plans yet to include those. She presented the current plans and indicated the location of the new septic tank and when they tear down the house they will have to put in new field and there is only one place for the reserve. She stated that the plans will be revised and ready for review for next month's meeting. Discussion was continued until next month.

DISCUSSION OF APPLICATION: PINSKY, 118 LYONS PLAIN ROAD, POOL (AQUA POOL)

Joel Pinsky, owner and Joe Ferrara from Aqua Pool & Patio came forward to present the application. Mr. Pinsky stated that they would like to make a slight shift in the location because it is awkward where it is located now and Mr. Ferrara indicated the location where they would like to put the pool. Mr. Failla then asked Mr. Ferrara to describe the construction method and erosion controls. Discussion ensued.

MOTION FOR APPROVAL

Mr. Von Rosenvinge made motion to approve the application for Pinsky, 118 Lyons Plain Road as shown on plans prepared by Aqua Pool, subject to the following conditions:

A. Filing of the contractor's statement.

B. Implementation of the erosion and sedimentation control plan prior to any site preparation activity. The plan must meet minimum standards as set forth in Public Act. No. 83-388 (An Act Concerning Soil Erosion & Sediment Control) Effective July 1, 1985.

C. The following language shall appear on the subdivision or deeds to lots which are to be filed on the Weston Land Records:

“No regulated activity as defined in the Public Inland Wetland Watercourse Act of the State of Connecticut Regulations as well as the Town of Weston's Regulations as the same and

from time to time as may be amended, shall be permitted in those areas designated and shown as wetlands on the aforementioned maps.” The wetland areas as well as any agreed to “buffer zones” designated on the aforementioned maps shall be established as areas whose natural and indigenous character shall be henceforth preserved and not encroached upon for any use that would alter the natural character of the land”.

D. Upon completion of the work, the developer will submit a certified report from a qualified professional engineer that the property was developed and the work completed as planned.

E. All applicable conditions of the Conservation Commission shall be recorded on the maps or liens of the Weston Land Records which are filed with the Town Clerk.

F. The Conservation Commission reviewed the alternatives to the approved action including a consideration of alternatives which might enhance environmental quality or have a less detrimental effect, and which could feasibly attain the basic objectives of the activity proposed in the application.

G. Per Public Act 93-305, effective 10/1/93, “Any permit issued under this section shall be valid for five years. Any regulated activity approved by the agency shall be completed within one year from the time such activity is commenced provided the agency may establish a specific time period within which any regulated activity shall be conducted and may require that an activity, once commenced, be completed within a time period of less than one year and further provided the agency extend (1) the time period of the original permit provided such period shall not extend beyond ten years from the date such permit was granted, or (2) the time period within which an activity, once commenced, is required to be completed under this section.”

H. Any changes in approved plans shall require notification to the Commission and may require that a new application be made.

I. Applicant agrees, represents and warrants that it will obtain all required federal, state and local permits prior to commencing any work on the site.

J. Tracking pads will be placed at the beginning of the driveway to protect the lawn.

K. Results of test holes are to be submitted to the Conservation Planner.

Mr. Zegers seconded the motion. All in favor, the motion carried (5-0).

DISCUSSION OF APPLICATION: MANSON, 184 LYONS PLAIN ROAD, WETLANDS PLANTINGS, ROAD SAND REMOVAL ON TOWN PROPERTY ADJACENT TO SAUGATUCK RIVER

Bill Kenney, Wetlands Scientist and Landscape Architect from William Kenney Associates, came forward to present the application. He explained that Mr. Manson first thought he owned the property because he owns both sides of the river. When he learned he didn't own the property he went to the Selectman to get approval for the work. Mr. Kenney noted that there are two activities, one is the removal of the accumulation of road sand that has occurred over the

years, and the other is restoring and enhancing the wetland shelf area that has eroded. He explained that the main objective is to eliminate the road sand and mud so they can re-vegetate the area and improve appearance and also to help with erosion. Mr. Failla questioned Mr. Kenney on whether there was any functionality improvement with this proposal and Mr. Kenney explained that there definitely was and described how it would accomplish that.

Discussion ensued regarding erosion controls. Following discussion the following motion was made:

MOTION FOR APPROVAL

Mr. Failla made a motion to approve the application for Manson to do work on Town land. The applicant has the permission of the Board of Selectman. The approval is on the plan prepared by William Kenney Assoc. dated 7/27/12 and revised 2/21/13, subject to the following conditions:

A. Filing of the contractor's statement.

B. Implementation of the erosion and sedimentation control plan prior to any site preparation activity. The plan must meet minimum standards as set forth in Public Act. No. 83-388 (An Act Concerning Soil Erosion & Sediment Control) Effective July 1, 1985.

C. The following language shall appear on the subdivision or deeds to lots which are to be filed on the Weston Land Records:

“No regulated activity as defined in the Public Inland Wetland Watercourse Act of the State of Connecticut Regulations as well as the Town of Weston's Regulations as the same and from time to time as may be amended, shall be permitted in those areas designated and shown as wetlands on the aforementioned maps.” The wetland areas as well as any agreed to “buffer zones” designated on the aforementioned maps shall be established as areas whose natural and indigenous character shall be henceforth preserved and not encroached upon for any use that would alter the natural character of the land”.

D. Upon completion of the work, the developer will submit a certified report from a qualified professional engineer that the property was developed and the work completed as planned.

E. All applicable conditions of the Conservation Commission shall be recorded on the maps or liens of the Weston Land Records which are filed with the Town Clerk.

F. The Conservation Commission reviewed the alternatives to the approved action including a consideration of alternatives which might enhance environmental quality or have a less detrimental effect, and which could feasibly attain the basic objectives of the activity proposed in the application.

G. Per Public Act 93-305, effective 10/1/93, “Any permit issued under this section shall be valid for five years. Any regulated activity approved by the agency shall be completed within one year from the time such activity is commenced provided the agency may establish a specific time period within which any regulated activity shall be conducted and may require that an activity,

once commenced, be completed within a time period of less than one year and further provided the agency extend (1) the time period of the original permit provided such period shall not extend beyond ten years from the date such permit was granted, or (2) the time period within which an activity, once commenced, is required to be completed under this section.”

H. Any changes in approved plans shall require notification to the Commission and may require that a new application be made.

I. Applicant agrees, represents and warrants that it will obtain all required federal, state and local permits prior to commencing any work on the site.

J. There is to be supervision by a qualified wetland engineer as indicated in the sequence with annual reports in September, 2013 through September, 2016. The planting work on the wetland shelf will be done in the spring and maintained over a 3 year period until it becomes established.

K. Excavation of the road sand is to be done during low river flow in July or August as determined by the Conservation Planner.

L. Erosion controls will be installed before any work is done and if necessary, turbidity curtains installed in consultation with the Conservation Planner.

M. The excavation is to be done from the shore to the water's edge leaving the berm as the last material to be removed and when possible, work is to be done by hand.

Ms. Minter seconded the motion. All in favor, the motion carried (5-0).

DISCUSSION OF APPLICATION: ROBINSON, 176 STEEP HILL ROAD, EMERGENCY CULVERT AND DRIVEWAY REPAIR

Mr. Failla stated that he did not see this as an emergency. There is time for them to provide a more detailed plan. The discussion was continued to next month's meeting.

DISCUSSION CONT./DECISION: NOTICE OF VIOLATION AND RESTORATION PLAN FOR REMOVAL OF FOOTBRIDGE, WALKWAYS & ELECTRICAL CONDUITS, COBB'S MILL INN, 12 OLD MILL ROAD (LANDTECH CONSULTANTS)

Drew Friedman, owner, came forward and presented a letter to the Land Use Coordinator dated 2/20/2013. Mr. Failla read the letter into record noting that it was requesting an additional 30 day extension.

MOTION:

Mr. Failla made a motion to extend the matter for 30 days to March 21st and Ms. Minter seconded. All in favor, the motion carried.

APPROVAL OF MINUTES

Mr. Zegers made a motion to approve the Minutes from the January 17, 2013 meeting and Ms. Minter seconded. All in favor, the motion carried (5-0).

Ms. Minter made a motion to approve the Minutes from the January 31, 2013 special meeting and Mr. Zegers seconded. All in favor, the motion carried (5-0).

Mr. Turner made a motion to approve the Minutes from the February 16, 2013 special meeting and Ms. Minter seconded. All in favor, the motion carried (5-0).

MOTION TO ADJOURN

Mr. Failla made a motion to adjourn the meeting and Mr. von Rosenvinge seconded. All in favor, the meeting adjourned at 9:40 p.m.

Respectfully submitted,

Delana Lustberg
Recording Secretary