

DATE  
APPROVED:

CONSERVATION COMMISSION MINUTES FOR MARCH 21, 2013 PAGE #13-13

MEMBERS PRESENT:

Vice Chairman, Tom Failla, Robert Turner, Catherine Minter, Michael Zegers and Chris Spaulding

Meeting on digital recording dated 3/21/13

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Mr. Failla opened the March 21<sup>st</sup> Regular meeting of the Weston Conservation Commission at 7:30 p.m.

SET WALK DATE

The walk date was set for Saturday April 6, 2013. The members will meet at Town Hall at 7:30 a.m.

RECEIPT OF APPLICATIONS:

- Weiss, 301 Newtown Tpke, septic repair
- Cusak, 39 Ridge Road, addition to existing garage, new septic
- Petty, 28 Wells Hill Road, new garage, pervious driveway, remove portion of existing driveway

MOTION FOR RECEIPT

Mr. Failla made a motion to receive the application of Weiss, 301 Newtown Tpke and Mr. Spaulding seconded. All in favor, the motion carried (5-0).

MOTION FOR RECEIPT

Mr. Failla made a motion to receive the application of Cusak, 39 Ridge Road and Mr. Spaulding seconded. All in favor, the motion carried (5-0).

MOTION FOR RECEIPT

Mr. Failla made a motion to receive the application of Petty, 28 Wells Hill Road and Mr. Spaulding seconded. All in favor, the motion carried (5-0).

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 to report that the conduits are removed, the removal of the pathways is almost finished and he intended to start the bridge removal today. Mr. Failla stated that the Conservation Planner went out today and verified that the bridge was still there. He then asked about the bond and Mr. Friedman indicated that his insurance company denied the bond request. Mr. Failla recommended that the Commission start fining Mr. Friedman retroactively to

the original fine imposition. He also read from the State Statutes regarding assessment of civil penalties of not more than \$1,000 for ease offence. Mr. Failla also stated that they will talk to the Town Attorney about evaluating the ability to go to court and get an injunction against Mr. Friedman to compel the work to be done and they are obligated to give a report to P&Z about the continuing violation regarding the bridge.

#### MOTION

Mr. Failla made a motion to lift the fine abeyance and direct the Land Use Office to initiate fines. Ms. Minter seconded the motion. All in favor, the motion carried (5-0).

#### MODIFICATION TO APPROVED PLAN: PINSKY, 118 LYONS PLAIN ROAD, POOL (AQUA POOL)

Joel Pinsky, owner and Joe Ferrara from Aqua Pool & Patio came forward to present the modification. Mr. Ferrara stated that they are moving back to the original proposed location. He indicated the location of the anti-tracking pad and explained that the only issue is the large trees that have to be removed. Mr. Failla questioned what they were going to do with the trees and how they were going to protect the embankment. Discussion ensued.

#### MOTION FOR APPROVAL

Ms. Minter made motion to approve the modification as shown on a plan signed and dated today, labeled Map 1 and Map 2 showing the silt fences, 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 linens 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. The tree stumps are to be removed by the pool company during excavation.

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

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

Mrs. Groves and Joe Enright from Westchester Modular Homes came forward to discuss the application. Mr. Enright presented new plans indicating the modifications and explained that they will demolish the existing house and replace it with a 3 bedroom, 2.5 bathroom, Cape style home. He indicated the location of silt fence and they discussed moving it closer to the top of the ridge. Ms. Minter noted that it should be a double silt fence with hay bales in between and the orange fence in front to keep everything from going downslope. Mr. Enright stated that they will be providing the Commission with a plan with the septic location noted and the approval of the Health Department at the next meeting. Mrs. Groves granted a 30-day extension and discussion was continued to next month.

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

Joe Ferrara, Aqua Pool & Patio, Dean Burnhoe, landscape architect, and Ms. Simitchieva, owner, came forward to discuss the application. They presented the revised plans indicating the pool location and decking. Mr. Burnhoe explained that behind the yard is a pre-existing natural stone wall which slopes up and already acts as a natural barrier to prevent any erosion or runoff. He then indicated the silt fence location and existing wall and berm, noting that will be a double protection for the wetlands. Mr. Burnhoe stated that it can be triple protected because they are proposing to install landscaping and a rain garden when construction is completed. He then indicated the location of the proposed rain garden. Discussion on the pool equipment ensued.

Following discussion, it was decided that they would move the pool equipment behind the garage and the location was drawn on the plan.

MOTION FOR APPROVAL

Mr. Failla made a motion to approve the plan for a pool and landscaping as shown on a plan prepared by Burhold Landscaping signed and dated 3/21/2013, 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:

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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. A planting plan is to be submitted to the Conservation Planner which includes the dimensions of the berm and rain garden and the types of plants that are to be used.

K. Upon completion a plan showing as built contours is to be submitted to the Conservation Planner.

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

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

Mrs. Robinson and Richard Davis from R.J. Davis, Inc., contractor, came forward to discuss the application. He explained that he has been contracted to remove the existing pipe and replace it with a new pipe made out of concrete or some type of plastic. Mr. Failla asked whether they planned to divert the stream and Mr. Davis stated that they were not going to divert the stream, just do the work when the conditions are feasible. Mr. Turner questioned how long it would take to do the work and Mr. Davis responded that they are hoping to do it within one day so they don't have to divert the stream, they will just contain the area. Discussion ensued.

MOTION FOR APPROVAL

Mr. Spaulding made a motion to approve the application for 176 Steephill Road for culvert and driveway repair as shown on a plan prepared by R.J. Davis dated 2/13/2013, 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 linens 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. The work is to be done when the flow of the stream is low and approved in consultation with the Conservation Planner.

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

#### DISCUSSION OF APPLICATION, ARON, 211 WESTON ROAD, POOL

Bruno Iaccono from Signature Pools, came forward to present the application. He explained that the pool is proposed to go in the location of the existing patio area which will be removed. He indicated the location of wetlands at the northern and southern ends of the property. Mr. Failla asked Mr. Iaccono to indicate the location of the silt fences. Mr. Iaccono also noted that that there will be no stockpile, any material that is not reused will be carted offsite. He also indicated the location of the anti-tracking pad on the plan, the existing propane tank and the proposed location of the pool equipment.

#### MOTION FOR APPROVAL

Mr. Zegers made a motion to approve the application for a pool as shown on a plan prepared by Land Engineers dated 9/12/99, revised and signed 3/21/2013 with the location of the pool equipment, 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:

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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 linens 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.

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

DISCUSSION OF APPLICATION: MEDVEDEV, 130 NEWTOWN TURNPIKE, STAIRS & GRAVEL PATHS

Mr. & Mrs. Medvedev came forward to discuss the application. Ms. Medvedev explained that she modified the site plan to show the area of the work stated that they had a set of 5 ft. wide wooden steps going over boulders down to the edge of the river and put gravel down. She noted that there is less than 2 inches of gravel, probably inch. She further noted that the path is not quite as wide as the stairs and it is not in the flood plain or floodway. Mr. Failla noted that the only issue is that regulated activity was done without taking out a permit.

MOTION TO APPROVE

Mr. Failla made a motion to approve the application for 130 Newtown Turnpike for a stairway and stone path as shown on plan prepared by Christina Medvedev dated 2/14/13, revised signed and dated 3/21/13. Mr. Zegers seconded the motion. All in favor, the motion carried (5-0).

APPROVAL OF MINUTES

Mr. Failla made a motion to approve the Minutes from the February 21, 2103 meeting and Mr. Zegers seconded. All in favor, the motion carried (5-0).

MOTION TO ADJOURN

Mr. Turner made a motion to adjourn the meeting and Mr. Spaulding seconded. All in favor, the meeting adjourned at 9:20 p.m.

Respectfully submitted,

Delana Lustberg  
Recording Secretary