

DATE  
APPROVED:

CONSERVATION COMMISSION MINUTES FOR APRIL 18, 2013 PAGE #13-21

MEMBERS PRESENT:

Chairman Ed Schwarz, Robert Turner, Catherine Minter, Chris Spaulding and Theodore von Rosenvinge

Meeting on digital recording dated 4/18/13

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Mr. Schwarz opened the April 18<sup>th</sup> Regular meeting of the Weston Conservation Commission at 7:30 p.m.

SET WALK DATE

The walk date was set for Saturday May 4, 2013. The members will meet at Town Hall at 7:30 a.m.

RECEIPT OF APPLICATIONS:

- Aspetuck Valley Country Club – 67 Old Redding Road, pond dredging

Mr. Pattee reported that the application was complete and appropriate for receipt.

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Aspetuck Valley Country Club, 67 Old Redding Road and Mr. Spaulding seconded. 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 and Mrs. Groves explained that the discussion was continued because they did not have the final septic location shown on the survey and had not had it engineered yet. Jeff Andrews from the Health Department helped design a system that would work and she provided a report from him. They reviewed the survey and the septic plan and discussion ensued. Mr. Enright noted that the silt fence location was moved to the top of the hill with double silt fence and hay bales in the middle. He also provided a construction sequence which was requested at the prior meeting. Mr. Schwarz entered the letter dated 4/15/2013 from Jeff Andrews, Sanitarian, to the Groves regarding certain requirements for the septic into the record. Discussion continued.

MOTION FOR APPROVAL

Mr. Turner made a motion to approve the application for Groves, 349 Goodhill Road as shown on plans prepared by Walter Skidd, P.E. dated 8/10/2012 and amended 4/18/2013 showing the

septic system and on plan prepared by Southerland Contractors dated 4/10/2013 showing the correct position of the house, 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.

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

DISCUSSION OF APPLICATION: WEISS, 301 NEWTOWN TURNPIKE, SEPTIC REPAIR

Gus Pavajohn, representing the owners, came forward and stated that after an inspection prior to the sale of the property it was discovered that the septic system is failing and needs to be repaired. He indicated the location of the wetlands on the map and also the location of the failing septic fields noting that they are within the 50 ft. setback. Discussion ensued regarding shifting the field to an alternate location. Mr. Pavajohn then drew the new location on the map.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the plan for a septic repair at 301 Newtown Turnpike as shown on a plan prepared by Leonard Surveyors dated 5/2/2011 with revisions showing new proposed gallery for septic system and septic information dated 4/12/2013, 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 applicant must obtain approval from the Westport/Weston Health District for the new proposed location for the septic system. If it is not approved then the applicant will try to minimize the encroachment on the wetlands.

K. Sedimentation and erosion controls are to be added and reviewed with the Conservation Planner.

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

DISCUSSION OF APPLICATION: PETTY, 28 WELLS HILL ROAD, NEW GARAGE, PERVIOUS DRIVEWAY, REMOVE PORTION OF EXISTING DRIVEWAY

Dean Martin from Grumman Engineering and Paul Harris, architect, came forward and presented the plans for the Commission to review. He noted that the proposal is to construct a new two car garage in the front yard of the existing driveway area and create pervious driveway to access the garage. He indicated the wetlands location in the rear of the property. They would like to connect the existing house with the existing detached garage by closing in the porch area. He also indicated the area of existing driveway that is to be removed. Discussion on a drainage ditch on the neighboring property ensued.

Mr. Schwarz then asked how far the proposed driveway is to the flagged wetlands and Mr. Martin stated that it was about 20 ft. He then questioned why the driveway has to be located there. Mr. Martin explained that the location of the septic system would prohibit that. Paul Harris explained that they are trying to keep the buildings as small as possible while still being able to contain six cars. Discussion continued.

Mr. Petty, owner, explained that they have tried every way to position the garage and in order to house his cars and make it navigable, and they tried to address the concerns by putting in the pervious driveway, and the footprint of the garage is as minimal as they can get. He is going with lifts so that the structure does not get any larger. They've spent countless hours trying to work other options. Mr. Harris also pointed out the zoning setback lines which would require

obtaining a variance from the Zoning Board of Appeals. Discussion continued on a "Plan A" and "Plan B".

Mr. Martin then described the planting plan, buffer zone and erosion controls. Mr. Harris also explained that the site as it exists has no drainage other than leaders that just dump out on the ground and they will be capturing and retaining all the water from the entire structure.

Following additional discussion, a motion was made on "Plan A", which is the plan before the Commission today with the addition of some added buffer plantings along the pervious driveway.

#### MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the plan as shown on drawings prepared by Grumman Engineering, dated 3/28/2013, 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 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. The applicant has agreed to a planting buffer which is to be reviewed and approved by the Conservation Planner.

Ms. Minter seconded the motion. The motion was voted on and carried (4-1 [Schwarz]).

DISCUSSION/DECISION: POOL CONSTRUCTION, WAGNER, 67 NORFIELD ROAD, NEED FOR WETLANDS PERMIT PER SECTION 4.4 OF THE INLAND WETLANDS AND WATERCOURSES REGULATIONS

Mr. Pattee noted that this matter is on the agenda in order to determine whether they need a wetlands permit because the construction while not in regulated area is upslope from wetlands. The architect came forward to present the plans for the proposed pool and discussion ensued. Mr. Turner stated that he has familiarity with the property when he was Code Enforcement Officer and feels that a pool cannot be put on that property without being concerned with the wetlands below.

Rob Wiley, abutting neighbor, noted that substantial work has begun on the property building stone walls without having a permit. His concern is that there is no impact to his property.

Discussion ensued. Following discussion the Commission decided to receive the application and have a full review of the Commission.

MOTION TO RECEIVE

Mr. Schwarz made a motion to receive the application of Wagner, 67 Norfield Road for construction of a pool and Mr. von Roseninge seconded. All in favor, the motion carried (5-0).

DISCUSSION/DECISION: APPOINTMENT OF TEMPORARY WETLANDS ENFORCEMENT OFFICER WHILE JIM PJURA IS ON VACATION APRIL 22-26

Tracy Kulikowski is appointed as Temporary Wetlands Enforcement Officer.

MOTION TO APPROVE MINUTES

Mr. Spaulding made a motion to approve the March 21, 2013 Minutes and Mr. Turner 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 9:25 p.m.

Respectfully submitted,

Delana Lustberg  
Recording Secretary