

DRAFT MINUTES

DATE
APPROVED:

CONSERVATION COMMISSION MINUTES FOR JULY 16, 2009 PAGE #09-29

MEMBERS PRESENT:

Chairman Ed Schwartz, Howard Aibel, Joseph Pachman, David Rosenberg, Robert Turner and Tom Failla (8:00)

Meeting on tapes dated 07/16/09

Mr. Schwartz opened the July 16th regular meeting of the Weston Conservation Commission at 7:35 p.m.

RECEIPT OF APPLICATIONS:

- Lavelle, 9 Riverfield Drive, addition to garage (Demattio)

Mr. Anderson noted that the application was not complete.

DISCUSSION OF APPLICATION : JAWOROSKI, 26 OLD MILL, RESTORATION OF REGULATED AREA

Brian Jaworoski, owner, came forward to discuss the application. Mr. Anderson noted that this involves a restoration of a slope area and the dirt was pushed too close to the wetland. Mr. Jaworoski stated that the fill was spread back out to where the grade is and they have not trucked any fill off the site. He also noted that it was fill from the site. Mr. Anderson stated that he does not have any issue at this point because it was re-graded back up and as long as the silt fences remain and the area remains undisturbed, it should be a stable area. Discussion ensued.

Dean Martin, P.E., from Grumman Engineering came forward and stated that once the silt fences are removed, there are natural buffers with an existing stone wall and they are also collecting the runoff on impervious surfaces and putting it back underground. Mr. Jaworoski noted that he submitted a drainage report with the application.

MOTION FOR APPROVAL

Mr. Rosenberg made a motion to approve the application for restoration at 26 Old Mill Road, as shown on plans prepared by Grumman Engineering dated 3/13/09, 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.

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

DISCUSSION OF APPLICATION: HERMAN, 25 LAKESIDE DRIVE, STONE WALL

Mr. Herman, owner, and Dean Martin, P.E. from Grumman Engineering came forward to discuss the application. Mr. Schwartz noted that it was discussed on the walk that because they are putting stone on one side of the river, it may influence the other side.

Mr. Martin explained that he went to the site yesterday and took a look at the retaining wall and provided a report to Mr. Anderson today that stated that based on what he saw and in his opinion, this is an 18” high wall which is away from the present water line and he does not see that it will make any difference on the river, even when it gets high. Discussion ensued.

Mr. Turner noted that Mr. Herman will have to go before P&Z under their flood control regulations. Mr. Failla asked that his notes from the walk should be put into the record. He also suggested that they put in a vegetative buffer. Discussion continued.

MOTION FOR APPROVAL

Mr. Schwartz made a motion to approve the application for 25 Lakeside Drive for a stone wall as shown on plans prepared by Grumman Engineering and dated 7/15/09, 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 stone wall will stay with additional planting of wetland grasses behind the stone wall and will be reviewed by Fred Anderson.

Mr. Pachman seconded the motion. The motion was voted on and carried (4-2 [Failla, Turner]).

DISCUSSION: SAFARZ, 41 NORFIELD WOODS, UNCONTROLLED SILTATION TO POND AT 41 HIDDEN MEADOW ROAD (GELFAND)

Jonathan and Linda Gelfand, 41 Hidden Meadow, came forward to discuss the issue. It was noted that Mr. Safarz was not in attendance. Mr. Anderson noted that there is no application, this involves an outstanding notice of violation and Mr. Safarz was given notice of the meeting tonight. Mr. Anderson stated that he spoke to the DEP and they feel that it is a local issue because it is impacting wetlands beyond 100 ft. and is still under the Conservation Commission's jurisdiction. Mr. Failla noted that they were concerned about the pollution aspects because suspended solids were moving down and filling the pond. Discussion ensued regarding the options on how to handle this situation if the owner, Mr. Safarz, does not appear before the Commission.

Lisa Luft, 32 Hidden Meadow, came forward and stated that she is concerned about their drinking water and the 50 foot hill that has changed the whole topography of the area. It has been built right up to the property line. The properties abut each other she has sent letters to the town because there has been dumping of dirt at 41 Norfield Woods for 2 years.

Mr. Pachman questioned why a Cease and Desist Order has not been issued. Mr. Rosenberg commented that since the owner was given notice of the meeting and failed to show up, they have to issue a Cease and Desist. Mr. Schwartz stated that they have to get the fill tested, stabilize the area and get a Cease and Desist order. Discussion ensued.

MOTION:

Mr. Schwartz made a motion to impose a Cease and Desist Order on 41 Norfield Woods to stop all filling work and construction, to have the fill tested and install controls. Mr. Rosenberg seconded the motion. It was agreed that they need to find out where the fill came from and have the full range of tests performed. All in favor, the motion carried (6-0).

The notice will need to be served on July 25, 2009 and the hearing will be held Monday, August 3, 2009.

DISCUSSION: REVIEW OF ADMINISTRATIVE REVIEW PERMITS BY CONSERVATION PLANNER

Mr. Turner commented that he thought that the administrative permit process should continue with Fred doing it, but then there should be a review by the commission to confirm that what he did was proper. Mr. Schwartz noted that if the Commission thinks that an application should have come before it, they are precluded from acting if the 15 days have already passed, unless there is an appeal. Discussion ensued.

Mr. Failla suggested that Fred provide the name and address location, nature of work to be done and a statement from the applicant as to why the application has minimal impact. Then a brief summary of Fred's findings and whether they support the minimal impact statement should be provided. It was decided that the Commission will review all the administrative permit applications before a permit can be issued.

OTHER BUSINESS:

The Commission decided to put the Mason matter on the agenda for the September meeting.

Mr. Turner noted that, as a new member, he took the oath on July 9, 2009 before the Town Clerk.

MOTION TO ADJOURN

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

Respectfully submitted,

Delana Lustberg
Recording Secretary