

MEMBERS PRESENT:

Chairman Cory Attra, Vice-Chairman Ed Schwartz, David Rosenberg, Howard Aibel, Joseph Pachman and Jed Ferdinand

Meeting on tapes dated 7/17/08

Chairman Attra opened the July 17th regular meeting of the Weston Conservation Commission at 7:30 p.m.

APPROVAL OF MINUTES

Joseph Pachman made a motion to approve the minutes from the May 15, 2008 and June 19, 2008 meetings and Mr. Schwartz seconded. All in favor, the motion carried (6-0).

RECEIPT OF APPLICATIONS:

Fred Anderson reported that the following application was appropriate for receipt:

- Levitan, resub. 35 Indian Valley Road (Atty. Rubenstein)
- Spratt, 65 Newtown Turnpike, driveway & wall (Land Tech)

MOTION TO RECEIVE:

Mr. Schwartz made a motion to receive the application of Levitan and Spratt and Mr. Ferdinand seconded. All in favor, the motion carried (6-0).

DISCUSSION OF APPLICATION: KONHEIM, 52 VALLEY FORGE, NEW HOUSE (LANDTECH)

Pete Romano from LandTech, and Holly Rachmaciej and Michael Greenberg, architects came forward to discuss the application. Mr. Romano distributed slightly revised plans based on comments made on the walk on Saturday. He indicated that they are going to add the catch basin in the driveway to collect the storm water into what is called a "stormgate" which is a particulate separator that allows the sediments and road salt to be treated for quality before it gets discharged into the Saugatuck River. They are also going to plant ground cover to prohibit erosion along the river, the car port, paving and sheds are being removed and the area will all be landscaped. He noted the suggested planting plan for the buffer which will extend the entire length of the development of the site and also a proposed seed mixture which is conducive to the conditions adjacent to the river. Following suggestions for the protection along the edge of the development above and beyond the normal sedimentation fencing, they would put a 6 ft. high temporary chain link fence that will prohibit debris during demolition and construction from entering the river. Up against that would be a silt fence to collect the small sediments. Mr. Romano also noted that they are working on doing some testing on an area further away from the wetland to place the septic system. They would have to wait until after they took the house down, but if it works out then that is where they would try to place the septic system.

Holly Rachmaciej, architect, came forward to explain the house noting that it has been designed to have as minimal impact on the site as they possibly can. They will be keeping some of the existing deck structure and adding on the new structure which is going to be raised up on pier-like walls with the bottom of the structure being above the flood plain level. There are only two parts of the structure that will have more of an impact as far as foundation work and she indicated the location of those. In response to a question posed by Mr. Aibel, Ms. Rachmaciej indicated that the garage will be slab on grade at the flood plain level. Discussion ensued.

Following discussion and questions, Mr. Romano noted that they did a sequencing plan on the demolition and reviewed that plan for the Commissioners.

MOTION FOR APPROVAL

Mr. Schwartz made a motion to approve the application for Konheim, 52 Valley Forge Road as shown on plans dated 6/11/08 and prepared by LandTech Consultants, initialed 7/17/08 by Commission, 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.

Mr. Rosenberg seconded. All in favor, the motion carried (6-0).

DISCUSSION OF APPLICATION CONT.: SPRATT BUILDERS, 65 NEWTOWN TURNPIKE

Pete Romano from LandTech came forward and stated that he was elected to present this application since he was already here tonight. He noted that on the walk they noticed that work had been done without approval. The driveway has been extended into an area inside the wetlands setbacks and he is right up against the wetland around the house. Mr. Anderson noted that they would need another extension to carry the discussion into September and Mr. Romano provided that on behalf of the applicant. Following additional discussion, it was decided that they would withdraw the application and reapply.

OTHER BUSINESS:

Kelley:

Attorney George Guidera came forward and explained that Mr. Kelley received a letter from Fred Anderson indicating that they needed to submit the report of the engineer on the wetlands creations. They have done everything necessary under the approval and cannot understand why this issue has come up. As soon as Mr. Kelley received the notice from Fred Anderson that the wetlands creation had to be done, he had it done. In response to a question posed by Mr. Schwartz as to why the applicant didn't comply with that condition, Attorney Guidera indicated that there was no set deadline to get the work done and the point is that it is done now. The wet meadow was created and on July 8, 2008, Dean Martin, P.E. signed off on the work stating that it was done correctly and completed. Mr. Schwartz again questioned why they waited until 2008 when the approval was granted in 2005.

Mr. Kelley then came forward and stated that in spring 2006 they constructed driveway and had to let the ground settle. The paving was done in May 2008 and he basically forgot about the creation of the wet meadow until Mr. Anderson reminded him. He noted that they would not have installed the wet meadow until after the paving was done anyway. Attorney Guidera reiterated that there was not time limit on when that wetland creation was to occur in the

approval. Mr. Attra noted that this issue is why the Commission will be adopting a bond procedure because normally mitigating measures are to be done first. Discussion ensued.

Following discussion, Mr. Anderson noted that the area is now in compliance, there are three areas that have been created, vegetation is growing, it is just not as healthy as the indigenous species. He suggested monitoring the wetlands areas for a year to ensure that they are solidly established. Mr. Attra suggested a warranty for 1-2 years to maintain those areas with Mr. Anderson to sign off on the warranty.

MOTION:

Mr. Schwartz made a motion to authorize Fred Anderson, Conservation Planner, to give Conservation approval so that a C.O. can be issued on the condition that Mr. Kelley provide a warranty for 1 year that the wet meadow will thrive. Mr. Pachman seconded. All in favor, the motion carried (6-0).

Other Business:

Tracy Kulikowski, Land Use Director then came forward to explain where they were with the LandTech consulting services contract.

MOTION TO ADJOURN

Hearing no additional business, Mr. Pachman made a motion to adjourn the meeting and Mr. Schwartz seconded. All in favor, the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Delana Lustberg
Recording Secretary