

DATE
APPROVED:

CONSERVATION COMMISSION MINUTES FOR AUGUST 3, 2009 PAGE #09-34

MEMBERS PRESENT:

Chairman Ed Schwartz, Howard Aibel, Joseph Pachman, Tom Failla, Jed Ferdinand and Robert Turner

Meeting on tapes dated 08/03/09

Mr. Schwartz opened the August 3rd special meeting of the Weston Conservation Commission at 7:35 p.m.

DISCUSSION: MODIFICATION TO ADMINISTRATIVE APPROVAL (ADM 2005-5), LIEBOW, 4 OLD REDDING ROAD, POOL AND TERRACES

Mr. Anderson stated that the proposal is 120 ft. from the wetland but on one side there is 45 feet. The pool as presented now is 15 ft. closer to the wetland than it was on the original approval in 2005. Mr. Schwartz questioned what controls will be put in and Mr. Anderson noted that they have erosion controls in the plan.

Mr. Liebow, owner, came forward and stated that they would like to get the pool started in August. Discussion ensued.

Mr. Failla suggested that the Commission walk the property and review the proposal to see if there are any reasonable and prudent alternatives. They asked Mr. Liebow to explain why moving the pool 15 ft. closer to the wetlands would have minimal impact. Discussion continued.

MOTION

Mr. Pachman made a motion to receive the application of Liebow and Mr. Failla seconded. The motion was voted on and carried (4-2).

DISCUSSION: CEASE & DESIST: SARFAZ, 41 NORFIELD WOODS ROAD, UNCONTROLLED SILTATION TO POND AT 41 HIDDEN MEADOW (GELFAND)

Mr. Sarfaz, owner, along with Henry Luciano, contractor, came forward to discuss the Cease and Desist Order. Mr. Schwartz explained that there are two issues; the fill should have been tested and there is siltation occurring at the pond at Hidden Meadow. Mr. Sarfaz stated that there was testing done about a year and a half ago. Mr. Turner commented that if the fill was to be used in an area where a septic system was going to go, the Health District would require testing to their standards. Discussion ensued.

Mr. Turner commented that when he was the Code Enforcement Officer, he had gone to Mr. Sarfaz in August of 2007 and told him that he was not to bring any more fill without letting the Town know. Mr. Schwartz then questioned whether Mr. Sarfaz would have been required to get a permit for bringing that much fill in. Mr. Sarfaz stated that no one told him that he needed a permit and he would have done that if he knew it was required.

Harvey Lutz, Hidden Meadow, stated that he complained to Mr. Turner in 2007 and talked to Don Saltzman from the Planning & Zoning Commission and was led to believe that the activity was permitted and was to be for a septic system. The septic system never came about and now all they have is fill.

Mr. Schwartz then noted that the Commission has set forth remediation activities that need to be implemented and asked Mr. Sarfaz if he was willing to do those. Mr. Luciano stated that when he was at the property a couple weeks ago, he added a silt fence, before the letter came from the Town. He suggested that they could add hydroseed to the hill area to stabilize it.

Lisa Luft, Hidden Meadow, neighbor came forward and stated that their neighbor Linda Gelfand who is an environmental engineer indicated that there are state laws regarding how hills of that nature must be compacted, graded and stabilized.

Mr. Ferdinand commented that the Conservation Commission is a panel of limited jurisdiction, they have a code and regulations that they follow and there are only certain things within their authority that they can do. Discussion ensued.

Mr. Schwartz suggested that on an emergency basis, they need to stabilize the area and then they need to return with an engineer to explain what is going on in the area. Mr. Turner stated that they need to stabilize that area tomorrow. Mr. Anderson noted that there should be a second row of silt fence with hay bales in between and temporary erosion control blankets. Mr. Luciano stated that he would be able stabilize everything on Wednesday. Discussion continued.

MOTION

Mr. Failla made a motion to uphold the Cease & Desist order and Mr. Aibel seconded. All in favor, the motion carried (6-0).

MOTION

Mr. Schwartz made a motion that if the emergency remedial work is not finished by Thursday, August 6, 2009, a fine of \$500 will be imposed and \$100 each additional day that the emergency work is not finished. Mr. Aibel seconded. All in favor, the motion carried (6-0).

Mr. Anderson stated that he would provide a list of labs in the area that would test the soil and he would be present when the samples were taken. Mr. Turner suggested that if there are any "bad" things in the soil the Commission should be informed immediately. If not, then the results can wait to be reported until the September meeting. Mr. Failla suggested that a soil scientist walk the property because he is concerned that there are wetlands on that property.

The Commission instructed Mr. Sarfaz to test the soil for volatiles and heavy metals, to arrange with Fred Anderson to over see the testing and the results are to be submitted to Mr. Anderson in one week. Immediately by the end of business, Thursday, August 6, 2009, all the emergency criteria set forth in the Cease and Desist order is to be performed.

A remediation plan is also to be submitted to remediate any damage that occurred on neighboring properties.

MOTION TO ADJOURN

Mr. Failla made a motion to adjourn the meeting and Mr. Pachman seconded. All in favor, the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Delana Lustberg
Recording Secretary