

DATE
APPROVED:

CONSERVATION COMMISSION MINUTES FOR SEPTEMBER 17, 2009 PAGE #09-37

MEMBERS PRESENT:

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

Meeting on tapes dated 09/17/09

Mr. Schwartz opened the September 17th regular meeting of the Weston Conservation Commission at 7:35 p.m.

RECEIPT OF APPLICATIONS

- Joseph, 10 Broad Street, pool (Wesley Stout)
- Winikoff, 27 Church Lane, pool
- Strager, 40 Weston Road – labyrinth
- Valentine, 172 Newtown Tpke. addition
- McMillan 9 Pent Road, pool house
- Strauss, 38 Davis Hill - pool

Mr. Anderson reported that all the applications were complete and appropriate for receipt.

MOTION FOR RECEIPT:

Mr. Aibel made a motion to receive the application of Joseph, 10 Broad Street, and Mr. Rosenberg seconded. All in favor, the motion carried (5-0).

MOTION FOR RECEIPT:

Mr. Aibel made a motion to receive the application of Winikoff, 27 Church Lane, and Mr. Rosenberg seconded. All in favor, the motion carried (5-0).

MOTION FOR RECEIPT:

Mr. Aibel made a motion to receive the application of Strager, 40 Weston Road, and Mr. Rosenberg seconded. All in favor, the motion carried (5-0).

MOTION FOR RECEIPT:

Mr. Schwartz made a motion to receive the application of Valentine, 172 Newtown Turnpike, and Mr. Aibel seconded. All in favor, the motion carried (5-0).

MOTION FOR RECEIPT:

Mr. Schwartz, made a motion to receive the application of McMillan, 9 Pent Road, and Mr. Aibel seconded. All in favor, the motion carried (5-0).

MOTION FOR RECEIPT:

Mr. Schwartz made a motion to receive the application of Strauss, 38 David Hill, and Mr. Aibel seconded. All in favor, the motion carried (5-0).

SET WALK DATE:

The Commission will walk the properties on Saturday, October 10, 2009. Commissioners will meet at Town Hall at 8:00 a.m.

DISCUSSION: LIEBOW, 4 OLD REDDING ROAD, POOL AND TERRACES

Michael Liebow, owner, and Franco from R.I Pools came forward to discuss the application. Franco indicated the erosion controls on plans. Mr. Schwartz questioned what they would be doing with the earth they dug up and Franco stated that most will be used to in around the pool and indicated where it will be stored on the property until used. Mr. Aibel commented that the pile of dirt should be covered. Franco stated that they will have a silt fence around the pile but will cover with some tarps.

MOTION FOR APPROVAL:

Mr. Schwartz made a motion to approve the application of Liebow as shown on a plan prepared by Richard Bennett and Assoc. dated 9/1/09, 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 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. Aibel seconded the motion. All in favor, the motion carried (5-0).

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

Mr. Anderson noted that neither Mr. Sarfaz nor his contractor was available to attend the meeting tonight. He stated that he stopped by the property this afternoon so he would be able to give a status report. Mr. Anderson explained that the issue is that the hillside behind the house is unstable and is washing down the hill, through woods and onto Hidden Meadow Road. He indicated that the all the temporary erosion controls have been completed. He further indicated that they have talked to a couple contractors about doing borings to sample the soil, but the details are still being worked out on how to properly sample the area. Discussion ensued regarding the soil sampling.

Discussion then turned to the other requests of the Commission and Mr. Schwartz stated that the first issue was with the emergency stabilization and now the next issue is the remediation of the neighbors' property and the engineering plan because of the steepness of the hill.

Following additional discussion, the following motion was proposed:

MOTION:

Mr. Schwartz made a motion to compel the property owner to provide by October 1, 2009: 1) the drilling plan in accordance with the Conservation Planner's instructions, with 8-10 probes going down for however deep the fill soil is, and complete that plan; 2) An engineering specification plan to stabilize the hill; 3) A remediation plan insuring that any future damage to the neighbors will be eliminated. If the property owner is not fully compliant with the 3 conditions, then a fine of \$500 will be imposed on October 2, 2009 and \$100 per day for each day after that they have not complied.

Mr. Failla seconded the motion and discussion ensued.

Mr. Turner questioned what happens if the material tests hot? It was noted that the DEP sets the threshold for that.

Harvey Luft, Hidden Meadow, commented that allowing Dr. Sarfaz to do the testing is like letting the fox watch the hens.

Mr. Rosenberg made a request that Mr. Anderson determine where the drilling will be done.

Linda Gelfand, Hidden Meadow, commented that the driller is just drilling, they need to have an environmental engineer on site who knows what they are doing to take the sample. It has to be done properly or it will not be accurate. She asked the motion to state that an environmental engineering company will do the sampling.

Mr. Schwartz amended his motion to include the condition that an environmental engineering company do the sampling and that Mr. Anderson be present. All in favor.

Ms. Gelfand also asked the motion to include permanent measures to stabilize the hill, they already have temporary measures but need permanent.

Mr. Schwartz amended motion to clarify that they need permanent measures to stabilize. All in favor.

Lisa Luft, 32 hidden meadow, concern is area is really large area, about 35 ft. by 60 ft. wide by at least 20 ft. . concern with 8 to 10 not being enough. Would 8 – 10 give enough sampling. Turner, think Anderson would be able to determine how many would be needed.

All in favor, 6-0.

DISCUSSION: MASON – 27 CEDAR HILLS

Mr. Mason came forward. Mr. Anderson informed the Commission that the remediation plan has not be done. Mr. Mason explained that work has not been done because of the rainy weather. He will need to remove 2 trees which can't be moved in the summer. He stated that some work has been done, the swing set and base has been removed.

MOTION:

Mr. Schwartz made a motion stating that the remediation work has to be started in the next two weeks and completed by the next meeting. If the work is not finished, the Commission will impose a fine. Mr. Ferdinand seconded the motion. All in favor, the motion carried (6-0).

CL&P RIGHT OF WAY

Mr. Anderson stated that he talked to the Supervisor at CL&P who didn't think he needed to come to the meeting because they are just going to do a little work along the right of way. He noted that he has a list of invasive plants that are to be removed and the 3 different chemicals that are going to be used. It was noted that Mr. Pachman has had concerns with this which were

expressed in an e-mail dated 9/17/09. That e-mail will be put into the record. Discussion ensued. Following discussion, it was decided that the discussion would continue at the next meeting and no spraying is to be done until after they have met again.

DISCUSSION: DRAFT REVISIONS TO REGULATIONS:

Mr. Aibel explained how he had taken the old regulations and made some additions and deletions. Mr. Failla also had some additions. Mr. Aibel stated that they conform to good practice and they will need to have a public hearing for any comment. The Commissioners will review and discuss at the November meeting.

APPROVAL OF MINUTES

Mr. Ferdinand made a motion to approve the minutes from the June 25, 2009, July 16, 2009 and August 3, 2009 meetings. Mr. Aibel seconded. All in favor, the motion carried (6-0).

DISCUSSION REVIEW OF ADMINISTRATIVE REVIEW PROCESS:

The Commissioners discussed the administrative review process and decided that all applications will come before the Commission for receipt and the Commission will decide whether they application can be handled by the Administrative Review process.

MOTION:

Mr. Schwartz made a motion to have the Valentine application handled administratively by the Conservation Planner. Mr. Turner seconded. All in favor, the motion carried (6-0).

MOTION TO ADJOURN

Mr. Ferdinand made a motion to adjourn the meeting and Mr. Schwartz seconded. All in favor, the meeting adjourned at 9:55 p.m.

Respectfully submitted,

Delana Lustberg
Recording Secretary