

DATE  
APPROVED:

CONSERVATION COMMISSION MINUTES FOR JANUARY 16, 2014

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MEMBERS PRESENT:

Chairman Ed Schwarz, Cathy Minter, Robert Turner, Chris Spaulding, Michael Zegers, Ted von Rosenvinge and James Smith

Meeting on digital recording dated 1/16/14

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Mr. Schwarz opened the January 16<sup>th</sup> Regular meeting of the Weston Conservation Commission at 7:31 p.m.

WALK DATE

The walk date was set for Saturday, February 8, 2014. The Commissioners will meet at Town Hall at 8:00 a.m.

RECEIPT OF APPLICATION

- RPM Homes LLC, 38 Georgetown Road, new garage

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of RPM Homes LLC and Mr. Spaulding seconded. All in favor, the motion carried (7-0).

DISCUSSION OF APPLICATION CONT.: KNAPP, 17 KETTLE CREEK, DEMO AND NEW HOUSE (MK CONSTRUCTION)

Michele Knapp, owner, came forward and discussion began on the limit of disturbance. She noted that there is a stone wall already as a demarcation and there would be no benefit to her. Mr. Schwarz commented that it could be a condition of approval that no work will be done in that area. Mr. von Rosenvinge questioned how much soil will be removed from the tennis court and Ms. Knapp stated that the material removed from the tennis court will be reused on site. It is good for a driveway base, backfill, and any additional fill will go off site to Westport. She also provided the Health Department and driveway approvals.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the application for Knapp, 17 Kettle Creek as shown on a plan prepared by B&B Engineering and dated 11/11/2013, 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. There will be no activity beyond the stone wall demarcation in front of the wetlands and there is to be no dumping of any material in that area.

Mr. Zegers seconded the motion. All in favor, the motion carried (7-0).

DISCUSSION OF APPLICATION: BERTASI, 39 WEST BRANCH ROAD, NEW HOUSE (CHAPPA-PAOLINI)

Phil Paolini, from Chappa-Paolini and John Desmond from Desmond Builders, representing the owners came forward to discuss the application. Mr. Paolini stated that his clients have owned

this parcel for 15 years and they would like to knock down the existing dwelling and build a new house. The property is 2 acres and he indicated the area where the lake is. Mr. Paolini noted that after the walk they took the Commission's comments into consideration and came up with an alternate plan with a new footprint, no pool and they have moved it to the left and closer to the road. He also stated that they have approval from the Health Department for the septic system and then indicated the storm water galleys, noting that they have been sized by volume for a 50 year storm. A level spreader will be added based on the elevation of the footing and a 5 ft. planting buffer will be down by the pond. Mr. Schwarz asked them to submit a planting plan for the Conservation Planner's review. Discussion ensued.

Following discussion and based on Ms. Minter's suggestion, it was agreed that there will be a 10 ft. buffer along the pond edge.

#### MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the application of Bertasi, 17 Kettle Creek, as shown on plans prepared by Chappa and Paolini dated 12/10/13 and revised 1/14/14, 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. A planting plan is to be submitted to the Conservation Planner for his review and the planting buffer will be 10 ft. instead of 5 ft.

Mr. Spaulding seconded the motion. All in favor, the motion carried (7-0).

DISCUSSION OF APPLICATION: COLE, 1 DILLON PASS, NEW HOUSE (LANDTECH)

Juan Paredes, P.E. from LandTech came forward along with the owners to discuss the application. He explained that they took the concerns expressed by the Commission on the walk and discussed with the homeowner and decided to shift the location of the house and the driveway outside of the regulated area. The only encroachment would be minor grading to accommodate the building and a rain garden for storm water management. They also shifted the septic system to the only location that it can be and they are working with the Health Department on the new plan and expect approval next week. Mr. Paredes also noted that they have visited the site with a soil scientist who recommended that the wetland buffer remain in its natural state, there is no need to enhance the buffer and they will only remove some of the invasive species. They have also sized the rain garden and will provide further water quality information. He also indicated the list of species to be in rain garden. Discussion ensued.

Hearing no additional discussion, the following motion was made:

MOTION FOR APPROVAL

Ms. Minter made a motion to approve the application for Cole, 1 Dillon Pass, as shown on a plan prepared by LandTech dated 12/3/2013 and revised 1/13/2014, 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. Any major work done in the buffer area is to be presented to the Conservation Planner for review planting plan is to be submitted to the Conservation Planner for his review.

K. The old driveway is to be removed.

Mr. Schwarz seconded the motion. All in favor, the motion carried (7-0).

DISCUSSION OF APPLICATION: HALPIN, 10 NORFIELD FARM ROAD, NEW HOUSE (LANDTECH)

Juan Paredes, P.E. from LandTech came forward and presented the plan for a 6 bedroom house, driveway, pool and poolhouse. There is some encroachment into the setback area for septic and drainage. He noted that the area up to the stone wall is landscaped lawn at this point, not maintained, but mowed regularly. The wetlands are outside of the property line on the adjoining property but still within the 100 ft. regulated area. Mr. Paredes also noted that because of grading, there will be a physical barrier created by the steep slope that will not allow the homeowner to mow the lawn and establish the meadow and bushes planting as a buffer. He also indicated the location of an underground Cultek system which has been sized to handle a 50 yr. storm event. The majority of the runoff will be infiltrated back into the ground, and any overflow will go through lawn and the meadow area they are proposing to create, to prevent fast velocity. They also propose a bio-filtration area with a small depression acting as a rain garden. Discussion ensued.

Following discussion, Mr. von Rosenvinge suggested that they do soil test sampling to test for pesticides and herbicides and the following motion was made:

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the plan prepared by Land Tech dated 12/3/2013 and revised 1/14/14, 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:

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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 has agreed to conduct 20 soil test holes to test for pesticides and herbicides and submit the results to the Conservation Planner.

Mr. Zegers seconded the motion. All in favor, the motion carried (7-0).

#### APPROVAL OF MINUTES

Mr. Schwarz made a motion to approve the Minutes from the December 19, 2013 meeting and Ms. Minter seconded. All in favor, the motion carried (7-0).

#### ELECTION OF CHAIRMAN & VICE CHAIRMAN FOR 2014

Mr. Zegers nominated Mr. Schwarz for Chairman, Ms. Minter seconded the nomination. All in favor, (7-0).

Mr. Schwarz nominated Ms. Minter for Vice-Chairman, Mr. Zegers seconded the nomination. All in favor, (7-0).

#### MOTION TO ADJOURN

Mr. Turner made a motion to adjourn the meeting and Mr. Spaulding seconded. All in favor, the meeting adjourned at 9:45.

Respectfully submitted,

Delana Lustberg  
Recording Secretary