

MEMBERS PRESENT:

Chairman Ed Schwarz, Tom Failla, Robert Turner, Chris Spaulding and Cathy Minter

Meeting on tapes dated 1/17/12

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Mr. Schwarz opened the January 17<sup>th</sup> Regular meeting of the Weston Conservation Commission at 7:30 p.m.

WALK DATE

The walk date was set for Saturday, February 4, 2012. The Commissioners will meet at Town Hall at 8:00 a.m.

RECEIPT OF APPLICATIONS

- Cools, 9 Laurel Lake West, generator, pad, trench & propane
- Marsh, 40 Valley Forge, restoration of stone dam

MOTION FOR RECEIPT

Mr. Anderson reported that the Cools, 9 Laurel Lake West, application was complete and appropriate for receipt. Mr. Schwarz made a motion to receive the application and Mr. Spaulding seconded. All in favor, the motion carried (5-0).

MOTION FOR RECEIPT

Mr. Anderson reported that the Marsh, 40 Valley Forge, application is on for receipt because the application had been denied because there had been no one to present the application previously. Mr. Schwarz made a motion to receive the application and Mr. Spaulding seconded. All in favor, the motion carried (5-0). The application will be discussed later in the meeting.

DISCUSSION OF APPLICATION: CUSAK, 39 RIDGE ROAD, NEW SEPTIC SYSTEM (GRUMMAN ENGINEERING)

Dean Martin, P.E. from Grumman Engineering, came forward to discuss the application. He noted that the proposed activity is a new septic system adjacent to the wetland area. The owner is proposing a small second floor on the garage and has to expand the septic system. Mr. Martin indicated the location of the wetlands on the east side of the property and a small area on the southwest corner. The addition would be 35 feet from the wetland at the closest point and the wetland is slightly uphill from the garage. The footprint expands 5 feet from the present size. Mr. Martin also noted that there is an existing shed 24 feet from the wetland which is to be relocated to the back and will then be 35 feet from the wetland. Mr. Failla posed a question regarding the drainage pipe and alternative locations for the shed. Discussion ensued.

Don Salzman, 5 Newtown Turnpike, neighbor, came forward and stated that he lives right below the property. He indicated the location on the plan and noted that every winter with the freezing temperatures the water runs downhill and coats the stone wall at the bottom with ice. He also stated that the amount of water that flows off from the tennis court onto his property has washed out his driveway on a number of occasions. He suggested that the septic system be placed between the tennis court and the house so he doesn't get septic flow onto his property when it fails. He questioned how they are to know that the area is going to absorb water and Mr. Martin explained that based on the soil testing done and the fact that they have designed the system to be above the restrictive layer and it is a large enough area so that water will be absorbed into the swail and put back into the ground. Discussion ensued.

Following discussion, Mr. Failla stated that the Commission would need to get calculations for the entire property and a plan of what they are going to do with the runoff from the tennis and basketball court. The application was continued to the next meeting.

DISCUSSION OF APPLICATION CONT: SHUBBER, 7 SMITH RIDGE, POOL & SITE WORK, GEO-THERMAL HEARING & AIR CONDITIONG, GENERATOR & PROPANE

Mr. Shubber and Kate Throckmorton from Environmental Land Solutions came forward to discuss the application. Ms. Throckmorton stated that she was hired to assist in the ongoing review and specifically for slope stabilization and adjacent wetland areas. She presented her proposed planting mitigation plan as well as a report. She also addressed two areas of concern from Todd Ritchie's report, the first being the rear corner with the fill pushed into the wetlands which they propose to pull the slope back towards the house and remove all the material from the wetlands. Most of the material that rolled into wetland can be removed by hand. She also provided a planting plan of several selections of small material that will root quickly and mentioned that the finished planting buffer will be 25 ft. which was approved in the initial concept. Ms. Throckmorton then addressed the other issue which was the installation and drilling of geo-thermal wells shown in the existing fill area which will be relocated to a 30 foot minimum and 5 feet from the top of the slope. Mr. Schwarz questioned why they can't move the geo-thermal wells outside of the 100 foot regulated area and Ms. Throckmorton stated that they have design criteria that needs to work with septic and wells.

Ms. Throckmorton then discussed the other slope noting that it is staying mixed boulder, soil and rock, which they have indicated will have soil applied, mulched and planted with smaller plants. She addressed Todd Ritchie's memo regarding the large boulders and stated that they will stay in place and presented a letter to that effect. Mr. Ritchie indicated that he is not a structural engineer although he is a civil engineer and he would not certify that wall even if it was on his own property and it is only appropriate for a specialist to certify. He stated that based on what he sees, the large boulders are stacked right on top of each other and are not locked in place or fitted. Discussion on the wall ensued.

Mr. Ritchie then stated that the 2 to 1 slope will put back the character of what was there and he has no objection to the driveway, but would need to see additional sedimentation and erosion controls and controls for the patio around the pool as well.

Mr. Schwarz then stated that they need to come back with a plan which incorporates every aspect of the proposed plan.

DISCUSSION OF APPLICATION: MARSH, 40 VALLEY FORGE ROAD, RESTORATION OF STONE DAM

Allen Sheppard, Professional Engineer, representing the owners came forward to present the application. He explained that this is the owners' weekend house and the recent storms have started to erode the embankment, the sandy soils have started to scour. He proposes to take some rocks from the property and use them to line the embankment and to stabilize the hillside. He also noted that most of the work would be done by hand and with a small excavator. Mr. Spaulding questioned whether the dam was helping the acceleration of the water and Mr. Sheppard explained that it was, but he would hesitate to redirect the water from the dam because it could create a problem on the other side. He would like to leave it and do some stabilization. Mr. Sheppard then described how the work would be done.

**MOTION FOR APPROVAL**

Mr. Spaulding made a motion to approve the plan prepared by NOK Civil Engineering and Surveying, dated 8/2/11 for restoration of the cobble dam and bank reinforcement, 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. The Conservation Planner is to supervise the project as work begins to ensure that proper erosion controls are in place.

K. Before any work starts, the area is to be stabilized with controls at each check point.

L. A planting plan for bank stabilization is to be submitted to the Conservation Planner.

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

DISCUSSION OF APPLICATION: KANNON, 21 TEN O'CLOCK, GENERATOR, TRENCHING & PROPANE TANK

Jason & Rhona Kannon came forward and stated that they are installing a generator and presented the plan indicating the location. Mr. Kannon noted that there will be an 18" deep trench from the generator to the house which will be dug by hand.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the plan for a generator as shown on plan prepared by Denis Delius, dated 11/15/11. Ms. Minter seconded the motion. All in favor, the motion carried (5-0).

DISCUSSION OF APPLICATION: BRANDSTROM, 26 NORFIELD ROAD, CLEAR CUTTING, FILL AND REGRADING (ALLARD)

Dean Martin, P.E., from Grumman Engineering came forward representing the owner. Mr. Martin noted that there has been a lot of work done on the property and he was brought in prior to the application after the Town got involved. He explained that it was an overgrown property and they were just trying to clear it up and in the process, clear cut the entire property and filled some areas in the front lawn. Mr. Martin noted that the existing wetland line was flagged by Otto Theil and is adjacent to a watercourse that runs along the northwesterly side and then

discharges into a pond on the adjacent neighbor's property. Mr. Martin stated that the plan shows a 10 foot planted buffer along the wetland line, and some minor re-grading is proposed to lessen the slope. Ms. Minter questioned whether a 10 ft. buffer was deep enough for that slope? Discussion ensued.

Following discussion, Mr. Schwarz asked Mr. Martin to return with a remediation plan that restores the contours. He also stated that the Commission should consider whether they want to impose fines. The discussion was continued to next month's meeting.

David Tinker came forward and explained that he was doing work on the property adjacent to 26 Norfield. He spoke about a 12" pipe and repairs to a culvert on the property he was working on and noted that 26 Norfield tied into their 12" pipe and he believes that the drainage issue was improved by that. Mr. Schwarz asked the Conservation Planner to take a look at the property along with Mr. Martin, Mr. Tinker and John Conte, Town Engineer.

#### DISCUSSION CONT.: NUSBAUM, 71 OLD HYDE ROAD, CLEAR CUTTING, FILL AND REGRADING

Jim Doyle and Rob Lenning from Trees Unlimited came forward to continue discussion. Mr. Doyle stated that they had the wetlands delineated by Land Tech and there are a couple spots where the location was different but they did not have any work beyond that wetland line. Mr. Schwarz suggested that they return with a remediation plan and the soil scientist report. Mr. Nusbaum stated that he owns all 3 lots and can do remediation on all 3 if necessary. Mr. Schwarz explained that the disturbance of soil was the issue and not the cutting of trees. The discussion was continued to next month's meeting.

#### APPROVAL OF MINUTES

Mr. Schwarz made a motion to approve the Minutes from the December 15, 2011 meeting and Mr. Spaulding seconded. All in favor, the motion carried (5-0).

#### MOTION TO ADJOURN

Mr. Failla made a motion to adjourn the meeting and Mr. Spaulding seconded. All in favor, the meeting adjourned at 10:10

Respectfully submitted,

Delana Lustberg  
Recording Secretary