

MEMBERS PRESENT:

Chairman Ed Schwartz, Howard Aibel, Jed Ferdinand, Robert Turner, Joseph Pachman, and Tom Failla (8:05)

Meeting on tapes dated 11/19/09

Mr. Schwartz opened the November 19th regular meeting of the Weston Conservation Commission at 7:35 p.m.

WALK DATE

The walk date was set for Saturday, December 12, 2009. The commissioners will meet at town hall at 8:00 a.m.

RECEIPT OF APPLICATIONS

- Freitag, 7 Tobacco Road, fence/wall
- Crocker, 8 Pent Road, pool house renovation (Cope)

Mr. Anderson reported that the Freitag and Crocker applications are complete and appropriate for receipt.

MOTION FOR RECEIPT:

Mr. Schwartz made a motion to receive the applications of Freitag, 7 Tobacco Road and Crocker, 8 Pent Road, and Mr. Aibel seconded. All in favor, the motion carried (5-0).

Mr. Anderson then updated the Commissioners on Heydt, 345 Georgetown Road septic repair and showed samples of grasses that will be planted. He further noted that the job is finished and the grasses will be replanted on that area that was disturbed.

DISCUSSION OF APPLICATION: MCMILLAN, 9 PENT ROAD, POOL HOUSE

Mrs. Jen McMillan came forward as the owner and general contractor. Mr. Schwartz noted that there are wetlands on the right side of the property and questioned why the pool house was to be located so close to the wetlands. Mrs. McMillan explained that they wanted to have a walk-out for storage, have accessibility to the yard and have a nice play space. She explained that they looked at an alternate location but it was too close to the conservation easement. They want to have a basement to reduce the erosion and during construction will take all precautions to prevent erosion. She stated that the structure is only 18' x 30' and will be 60 feet from the wetlands. Mr. Schwartz then questioned what the consequences would be if the structure was moved over 10-20 feet and Mrs. McMillan stated that they would like to take advantage of the slope for construction and afterwards for access to the basement and it would help to reduce erosion. Discussion ensued.

Following discussion Mrs. McMillan stated that they could move it over 10 feet but would like to keep it as close to the slope as possible so they can manage the access. Mr. Anderson

commented that one of the reasons that they are putting it where it is proposed is because there is a walk out basement and would be the shortest distance of cut into the hillside. If it is moved 10 ft. then there is 10 ft. more of retaining walls necessary to keep the sides from falling in.

Discussion continued.

Following discussion, Mr. Pachman noted that they would need to see an engineering plan and construction sequence plan. They will also need to know what the impact on the wetlands will be and what it would be if they moved closer to the existing pool. Following some additional discussion, the matter was continued to the December meeting.

DISCUSSION OF APPLICATION CONT.: STRAGER 40 WESTON ROAD- LABYRINTH

Derek Shapiro, architect, from Environmental Architecture, LLC came forward to discuss the application. Mr. Schwartz commented that he is familiar with the family but does not think it will affect his ability to render an impartial decision and will not be recusing himself.

Mr. Shapiro then addressed the concern regarding any impact on the wetlands and noted that the only wetlands is the lake. He did some drawings to reduce the size of the foundation which was very well engineered by a landscaper. Now it is all below grade, a hole is dug, he put in silt fencing and there did not seem to be any runoff into surrounding land. Mr. Shapiro noted that it really is a landscape feature and stated that it is approximately 50 feet away from the lake. Mr. Failla questioned the potential of runoff going into the lake from this structure and Mr. Shapiro explained that there is a 6-12" incline from the structure to the lake and the runoff is no different from the surrounding area. If anything it will act as a drywell because the water will stay in that space and percolate back into the aquifer. Discussion ensued.

MOTION FOR APPROVAL

Mr. Pachman made a motion to approve the application for Strager 40 Weston Road as shown on a plot plan prepared by Leonard Surveyors dated 7/15/09 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.

J. Applicant will install a 14' wide vegetative buffer around the labyrinth to be reviewed with the Conservation Planner.

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

DISCUSSION OF APPLICATION CONT: STRAUSS – 38 DAVIS HILL - POOL

Joe Socci, pool contractor and Craig Strauss, owner, came forward to discuss. Mr. Schwartz stated that the main issue was the pool sequencing and Mr. Socci stated that they will make the bend gravel on the entrance area so there is no tracking onto the driveway. Mr. Socci then indicated the sequencing listed on the plan. He also indicated that the excavated dirt will be used on site. Discussion ensued.

Following discussion, Mr. Failla commented that they need a contingency plan built in for severe weather.

MOTION FOR APPROVAL

Mr. Pachman made a motion to approve the application of Strauss, 38 Davis Hill, for a pool as shown on plans prepared by Richard Bennett & Associates dated 9/16/09, 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'

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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. A contingency plan will be submitted as a contingency in case of severe weather to stabilize the property as discussed, and it is to be approved by the Conservation Planner.

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

WARDELL ESTATE, 82 NEWTOWN TURNPIKE, REMOVAL OF OIL TANK (PAOLINI)
Phil Paolini, P.E. from Cioppa and Paolini came forward to discuss the application. He stated that he has added additional filter fabric and construction sequence as discussed on the walk and he presented the revised plan. Mr. Paolini explained that there is an oil tank on the back side of the house and from Newtown Turnpike down to the house is a very steep slope. They plan to remove the oil tank and replace it with a 250 gallon propane tank and are trying to keep it out of the 100 year flood line. He then indicated on the plans where the location is and noted that the

gallery goes under the driveway and there will be a cinder blocks and a concrete slab on top. Mr. Paolini also noted that there was no information at the Health Department on the septic system for that house and it hasn't been used in years and they don't have to get a sign-off from the health department on the propane tank. Discussion ensued regarding moving the location and Mr. Paolini explained that the further away they get the steeper it gets. They are at 10 feet now and it needs to be 10 feet from the property line or it will go into the 100 year flood line. Discussion ensued.

Following discussion the following motion was made:

MOTION FOR APPROVAL

Mr. Pachman made a motion to approve the application for removal of an existing oil tank and installation of a propane tank as shown on plans prepared by Cioppa & Paolini and dated 10/14/09, revised 11/5/09 and 11/18/09, 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'

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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. Applicant will notify the Conservation Planner regarding the results of soil testing around the oil tank once it is removed.

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

EXTENSION OF 2004 APPROVAL: PILOT HILL, LOT 5, PILOT HILL/DILLON PASS (ST. DENIS/ALWAIS)

Roger Alwais came forward to discuss the extension request. He explained that he ran out of money and had an issue with the bridge over Pilot Hill. That bridge issue has been resolved and they now need to request an extension as the time limit on the original approval has passed.

MOTION TO EXTEND PERMIT

Mr. Failla made a motion to extend the permit for Pilot Hill, Lot 5 and Mr. Aible seconded. All in favor, the motion carried (6-0).

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

Mr. Sarfaz and Dean Martin from Grumman Engineering came forward to discuss. Mr. Sarfaz stated that he has provided Mr. Anderson copies of signed contracts for the drilling company and the engineer for the remediation. Mr. Anderson explained that he had a conversation with Dean Martin the other day. Mr. Schwartz asked to see a copy of the Cease & Desist Order. He noted that Mr. Sarfaz was to have had a signed contract with a company to implement the soil testing. Mr. Sarfaz indicated that has been done and given to Mr. Anderson on October 21st. Mr. Schwartz then questioned why they have not drilled and asked when it gets implemented. Mr. Martin stated that he does not have the locations of where the drilling is to be done and was not aware that he was going to be taking control of the monitoring. Mr. Pachman then brought discussion to the minutes from the last meeting where the Commission imposed fines beginning on October 15th and discussion ensued.

Mr. Schwartz asked Mr. Anderson to go out to the site with Mr. Martin to locate where the drilling will be done and stated that Mr. Martin is to decide the 10 locations and Mr. Anderson will approve. Mr. Turner commented that the owner's representative should decide where they think the holes should be dug and Mr. Anderson should approve those sites. Discussion continued.

Mr. Schwartz then questioned why the testing has not yet been done. Mr. Sarfaz stated that he got all the signed contracts by October 21st and they were supposed to coordinate. Mr. Failla then suggested that they take it step by step and reviewed the drilling contract. He then stated that the critical issue which was stated in the motion was that the work, and the work talking about was the testing, was to be completed within two weeks. Mr. Ferdinand stated that there

have been people that have been at three or four meetings that are demanding that the Commission take action. The Commission took action and insisted that the work be done by October 21st or fines continue and he doesn't think it could be clearer.

Mr. Schwartz stated that he doesn't understand that if they have a contract why they are not already drilling and have test results. Mr. Sarfaz stated that he met with Mr. Anderson on October 21 and they came to an understanding that he had provided the information regarding the drilling company, engineering company and remediation company. Mr. Pachman reiterated that Dean Martin is to pick the sites together with the drilling company and Mr. Anderson will approve them. Mr. Failla explained to Mr. Martin that the Commission is trying to figure out what is in the mix that came in over a period of over a year and a half from multiple sources. Mr. Martin stated that he has had conversations with Mr. Anderson and knows that they want the borings to go down to virgin ground. Discussion ensued.

Mr. Aibel then reminded the Commission that there is a motion that if the work was not completed by October 21 then the fines would be doubled. Mr. Schwartz stated that they will suspend discussion the fines until after discussion on implementation of the work. He noted that Mr. Sarfaz has hired Mr. Martin to develop a plan to permanently stabilize the site and Mr. Martin stated that within the next week he will have his plan completed and will submit it to Mr. Anderson. Mr. Failla then asked Mr. Martin to give his opinion on how stabilized is in its present condition and Mr. Martin stated that there are a couple of issues with the fill material which is very steep and the contractor did put some erosion blankets on it, some vegetation growing on it, but in a heavy rain storm, he is not sure how stable it would be. There are multiple rows of siltation fence down grade of the fill and most of it is in pretty good shape but there are areas where the fence is down. He further noted that there is a row of staked hay bales which in a couple spots the sediment is ready to go over the top and he called the contractor and told him that those areas need to be refreshed. Mr. Turner reiterated that the stabilizing of the site needs to be done and if the test borings indicate that there are things in the fill that need to be addressed then they are back to square one.

Mr. Schwartz then asked Mr. Martin if he were responsible for the remediation of the neighboring property and Mr. Sarfaz stated that Henry Luciano, the contractor, will handle that aspect. Following a question posed by Mr. Sarfaz, Mr. Schwartz stated that the remediation is for the damage to the neighbor's property and asked when Mr. Luciano will have a remediation plan and when it will be implemented. Mr. Sarfaz stated that he will have to ask Mr. Luciano that and Mr. Schwartz suggested that Mr. Martin review that plan as well, talk to the neighbors and work out a remediation plan with the contractor.

Mr. Schwartz then reiterated that in two weeks Mr. Anderson will have three things, the test borings will be done, Mr. Martin will provide a plan to permanently stabilize the property and a plan to remediate any damages to the neighbors. Mr. Turner noted that they may not know much until they have the results of the soil tests and Mr. Martin's stabilization plan may have to be put on hold until the results of the soil testing are in. Discussion ensued.

Discussion then turned to the fines to be imposed upon Mr. Sarfaz. Mr. Schwartz stated that they originally imposed \$500 and then \$100 per day until October 21 and if Mr. Sarfaz did not have a contract it was \$200 per day starting on October 22. Mr. Schwartz instructed Mr. Sarfaz to give Mr. Anderson a copy of the signed contracts by Tuesday and suggested that the Commission should put off the assessment of the fines until the job is completed and then they can decide

whether they want to impose the total amount of the fines. Mr. Ferdinand commented that he thinks that would be a good idea.

MOTION

Mr. Schwartz then made a motion to hold the fines imposed in obedience until after everything is completed to determine what that fine should be. Mr. Pachman seconded the motion. All in favor, the motion carried (6-0).

DISCUSSION: MASON – 27 CEDAR HILLS - COMPLIANCE

Mr. Anderson reviewed an e-mail received by the Commission and the Commissioners decided that they will refer the matter to the Town Attorney. Mr. Anderson also noted that he has been to the property and the Mason's seem to be in compliance. Discussion will continue at the December meeting.

MOTION TO ADJOURN

Mr. Schwartz made a motion to adjourn the meeting and Mr. Ferdinand seconded. All in favor, the meeting adjourned at 9:47 p.m.

Respectfully submitted,

Delana Lustberg
Recording Secretary