

DATE
APPROVED:

CONSERVATION COMMISSION MINUTES FOR DECEMBER 17, 2009

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MEMBERS PRESENT:

Chairman Ed Schwartz, Jed Ferdinand, Robert Turner, David Rosenberg and Tom Failla

Meeting on tapes dated 12/17/09

Mr. Schwartz opened the December 17th regular meeting of the Weston Conservation Commission at 7:38 p.m.

WALK DATE

The walk date was set for Saturday, January 16, 2009. The commissioners will meet at Town Hall at 8:00 a.m.

RECEIPT OF APPLICATIONS

- Kupolus/Valitutto (Wardell) 82 Newtown Tpke., well & shed (Paolini)

Mr. Anderson reported that the Kupolus/Valitutto application is complete and appropriate for receipt.

MOTION FOR RECEIPT:

Mr. Schwartz made a motion to receive the application of Kupolus/Valitutto, 82 Newtown Turnpike, and Mr. Rosenberg. All in favor, the motion carried (5-0).

The Commissioners then discussed the meeting dates for the following year and it was decided that the Commission will meet on the third Tuesday of every month. The next meeting will be Tuesday, January 19, 2010.

DISCUSSION OF APPLICATION: FREITAG, 7 TOBACCO ROAD, FENCE/WALL

Mrs. Freitag came forward to discuss the application and stated that they want to build a fence around their pool and pond. Mr. Schwartz questioned whether they had thought about using trees? Mrs. Freitag stated that they want to have a fence on top of the rock wall. Mr. Turner stated that he does not think that the Commission can proceed on just Mrs. Freitag's words. It is too vague and the Commission would need a plan showing how the grade will be affected how much fill would be involved where the wall will be constructed. Mr. Schwartz explained that they will have to hire an engineer so they can get an idea of what affect the fill will have on the wetlands, what will stop the fill from going into wetlands, how high the wall will be and how it will be stabilized. The applicant will return at the next meeting with engineering drawings.

DISCUSSION OF APPLICATION: CROCKER, 8 PENT ROAD, POOL HOUSE RENOVATION (COPE)

Oliver Cope, P.E. came forward to discuss the application. He indicated the location of the wetlands and the 50 ft. and 100 ft. setbacks. Mr. Failla explained that the Commission is only interested in the 100 ft. limit, the flood plane is in the Planning and Zoning Board's purview. Mr. Failla also noted that if they plan to enclose the deck area, it will create more impervious surface. Mr. Cope stated that the existing septic system has been reviewed by the Health Department and they do not have to make any changes. He explained that they plan on bumping out the front and side of the existing pool house to create better space for the mechanicals. Mr. Cope then explained that there would be modest excavation and they will be moving boulders for part of the landscape walls around the terraced area. The access will have temporary gravel with hay bales and silt fencing and he indicated the locations on the plan. Mr. Failla questioned whether they would need a detention pond to contain the runoff. Mr. Cope indicated that he did not believe so, there is already a steep slope and normal tracking is going to disturb the soil and won't allow water to run down the hill freely. Mr. Schwartz asked if there was a construction sequence and Mr. Cope presented that for the Commissioner's review. Mr. Anderson commented that the plan is good and Mr. Cope had made some changes addressing the comments made during the walk.

MOTION FOR APPROVAL

Mr. Schwartz made a motion to approve the application for renovations to a pool house as shown on a plan prepared by Barrett, Bonacci & Van Weele, P.C., dated 11/11/09, revised 12/15/09 and on the attached construction sequencing, 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. Rosenberg seconded the motion. All in favor, the motion carried (5-0).

SARFAZ, 41 NORFIELD WOODS ROAD, UNCONTROLLED SILTATION TO POND AT 41 HIDDEN MEADOW

Attorney John Albright and Mr. Sarfaz came forward to discuss the matter. Mr. Schwartz stated that there were three things required of Mr. Sarfaz at the last meeting: 1) the testing of the soil; 2) the submission of a permanent plan to prevent the fill from going onto the neighbor's property; and 3) a remediation plan for the damage already done. Attorney Albright stated that the testing was done and the results will be back in a few weeks and they will go directly to Mr. Anderson and Mr. Sarfaz. In response to a question posed by the Commission, Attorney Albright stated that the drilling was done on December 10, 2009. The soil was tested for volatile gasses and there were none. Mr. Anderson stated that he was satisfied with the testing and noted he had tubes in his car if the Commissioners wanted to see samples. He also stated that the area has been temporarily stabilized and they are working with Dean Martin to get a permanent stabilization plan. Mr. Schwartz noted that they are now into the fifth month of the Cease and Desist and Mr. Sarfaz stated that there is no activity going on and no filling and they have worked diligently to stabilize the area. Discussion ensued.

Linda Gelfand, neighbor, came forward and stated that the silt fences are down and there is a path of water runoff coming from the Sarfaz property, down across the neighbor's property and into the pond. It has been creating a sheet of ice. She commented that she has waited a long time and is getting very frustrated, the water should be going into a catch basin and should not be going across the driveway.

Harvey Luft, 32 Hidden Meadow, came forward and commented that the pond used to be 8 - 10 ft. deep but it can't be more than 2 ft. deep now.

Mr. Anderson commented that he does not think they can know how much of the fill in the pond has come from the Sarfaz property until it is tested and noted that the material from the Sarfaz property is a different color than the organic material in the pond.

Mr. Schwartz stated that the Commission was hoping that the engineer could come in and say whether that material in the pond is organic and therefore not its responsibility or that it clearly come from the Sarfaz fill.

Mr. Luft commented that when the winter thaws and the spring rains come with no permanent erosion controls in place, he is afraid that there would be a landslide. Every month they have been waiting for the same thing.

Mrs. Gelfand stated that Mr. Martin was out to the site, she met with him, he said he would come back but never followed up. She called him several times, but her calls haven't been returned.

Discussion then turned to increasing the fines imposed.

Following discussion the following motion was made:

MOTION:

Mr. Schwartz made a motion to increase the fine imposed to \$400 per day until an engineer's plan is provided with a permanent solution to ensure that the fill does not run down hill and a remediation plan for any damages caused. Mr. Rosenberg seconded.

Mr. Schwartz noted that after Mr. Sarfaz is in compliance, they can come back and discuss whether the fine can be reduced and set up a payment schedule. Mr. Ferdinand wanted to clarify that the fee of \$400 is in addition to the fines currently imposed, not in lieu of.

The motion was voted on and carried (5-0).

The Commission asked Mr. Anderson to go out to the property and check to see if the temporary plan is still feasible. Mr. Anderson noted that the major filled area where the blankets were installed is stable but he will check. Mr. Failla suggested that the Enforcement Officer go out to the property tomorrow. Mr. Schwartz then read into the record the Cease and Desist Order that was entered on July 24, 2009. The matter will continue at the next hearing.

MOTION TO ENTER EXECUTIVE SESSION

Mr. Schwartz made a motion to enter executive session and Mr. Ferdinand seconded. All in favor, the Commission entered into executive session at 8:36 p.m.

MOTION TO LEAVE EXECUTIVE SESSION

Mr. Schwartz made a motion to come out of executive session and Mr. Rosenberg seconded. All in favor, the regular meeting resumed at 8:38 p.m.

MASON: 27 CEDAR HILLS, NOTICE OF VIOLATION

Mr. Anderson noted that Mr. Mason is in full compliance with the plan.

MOTION TO REMOVE VIOLATION

Mr. Schwartz made a motion that the violation imposed upon Mason, 27 Cedar Hills be lifted. Mr. Failla seconded. All in favor, the motion carried (5-0).

ELECTION OF OFFICERS

MOTION

Mr. Failla made a motion that Mr. Schwartz continue as the Chairman of the Commission and Mr. Ferdinand seconded. All in favor, the motion carried (4-0).

MOTION

Mr. Failla made a motion to nominate Mr. Rosenberg as Vice-Chairman and Mr. Ferdinand seconded. All in favor, the motion carried (4-0).

APPROVAL OF MINUTES

Mr. Schwartz made a motion to approve the minutes from the November 19, 2009 meeting and Mr. Ferdinand seconded. All in favor, the motion carried (5-0).

MOTION TO ADJOURN

Mr. Schwartz made a motion to adjourn the meeting and Mr. Ferdinand seconded. All in favor, the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Delana Lustberg
Recording Secretary