

MEMBERS PRESENT:

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

Meeting on tapes dated 2/14/12

Mr. Schwarz opened the February 14th Regular meeting of the Weston Conservation Commission at 7:30 p.m.

WALK DATE

The walk date was set for Saturday, March 10, 2012. The Commissioners will meet at Town Hall at 8:00 a.m.

RECEIPT OF APPLICATIONS

- Fradent, 24 Tannery North, failing septic
- Skoler, 45 Davis Hill, reconstruction of in-ground pool & related patios & walls
- Redpath, 166 Georgetown Rd, demo garage, family room & playroom, add ne 4 car garage, family room, playroom, master suite & den
- Schredder, 11 Newtown Tpke, reconstruct deck & curtain drain, new stone patio

MOTION FOR RECEIPT

Mr. Anderson reported that the Fradent, 24 Tannery North, application is for a failing septic system and asked the Commission to receive and discuss tonight. 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 Sklor, 45 Davis Hill, application is complete and appropriate for receipt. Mr. Schwarz made a motion to receive the application and Ms. Minter seconded. All in favor, the motion carried (5-0).

MOTION FOR RECEIPT

Mr. Anderson reported that the Redpath, 166 Georgetown Road, application is 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 Schredder, 11 Newtown Turnpike, application is complete and appropriate for receipt. Mr. Schwarz made a motion to receive the application and Ms. Minter seconded. All in favor, the motion carried (5-0).

DISCUSSION OF EMERGENCY APPLICATION: FRADENT, 24 TANNERY NORTH, FAILING SEPTIC

Mike Kaminsky from ABC Septic Service came forward and stated that he received a letter from the owner and presented a copy for the Commissioners and noted that the leaching system has failed and the homeowners have been having the system pumped once a week for weeks. The wetlands are over 100 feet away and he indicated the location of the pump station, etc. solid rock uphill. Mr. Kaminsky noted that the system has received approval from the Health Department for the emergency work needed and it will take about 3 days to complete.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the emergency septic repair as shown on plan prepared by Michael Huminski dated 1/24/12 and in accordance with a letter dated 2/13/12 and received by the Conservation Planner 2/14/12, 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 liens 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.

Ms. Minter seconded the motion. All in favor, the motion carried (5-0).

DISCUSSION OF APPLICATION: COOLS, 9 LAUREL LAKE WEST, GENERATOR, PAD, TRENCH & PROPANE

Guy Cools, owner, came forward to discuss the application. He stated that the location has to be just beyond the slope. They will have to do some leveling and it will be done by a small excavator. Ms. Minter noted that it is a steep slope and asked whether he would do some planting in that area to help retention. Mr. Cools agreed to submit a planting plan.

MOTION FOR APPROVAL:

Mr. Schwarz made a motion to approve the application for a generator, pad, trench and propane for Cools, 9 Laurel Lake West, as shown on a plan dated 8/20/10 and prepared by Denis Delius Surveyor with the generator location added by the owner, 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 provide the Conservation Planner with a planting plan for the area behind the generator for review and approval.

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

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

Mr. Shubber came forward and presented a letter from his structural engineer for the Commissioners to review. Discussion ensued regarding the rip-rap wall. Ms. Minter commented that the rip rap and fill was to be removed but the letter does not address that issue. Discussion then turned to the planting plan. Ms. Minter noted that all the stuff that was pushed into the wetlands was to be pulled out, not planted and extended lawn. Mr. Shubber explained that there will be topsoil and mulch and planted to stabilize the rip rap. Mr. Schwarz noted that Todd Ritchie specified that there is to be no rip rap to be located within 50 ft. of the wetlands. Discussion on the slope continued.

Mr. Schwarz then turned discussion to the geothermal system and pool, and Mr. Shubber noted that Todd Ritchie had signed off on the driveway, geothermal and pool and patio work and he would like to get approval for those projects. Mr. Schwarz noted that the erosion controls will have to be put in place before any work is started and Mr. Anderson will need to approve those. Mr. Schwarz stated that they could give conditional approval for part of the plan, the geothermal wells, pool and patio and proposed clearing of the wetlands on the northwest slope only. The

Commission will hold off on the proposed planting plan on the southeast slope until review by the Commission's engineer.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve a part of the plan dated 2/13/12 by Environmental Land Solutions, for 7 Smith Road, for the proposed geothermal wells, removal of rocks and other debris from wetlands on northwest slope, proposed pool and patio provided that before work is done, the erosion and sediment controls shown on plan are installed prior to work to the satisfaction of Conservation Planner. No work is to be done on the southeast slope until confirmation from the Commission's engineer that the work can be done. The partial approval is 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 liens 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. Failla seconded the motion. The motion carried (3-1 [Minter], 1 abstain [Spaulding]).

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

Jim Doyle, representing the owners and Kyle Turoczi from Earthtones, came forward with a planting plan for the owners. He presented a plan indicating the disturbed area and a proposed planting buffer. He noted that the client would like to see a field and that area is within the 100 foot regulated area, but it is not wetland soils. He described the grasses and other plants that are proposed and stated that they will be adding benefit to the area which is not there now. Discussion ensued.

MOTION FOR APPROVAL

Ms. Minter made a motion to approve the wetland restoration plan prepared by Earthtones, LLC, dated 2/10/12, 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. Schwarz seconded the motion. All in favor, the motion carried (5-0).

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

Dean Martin from Grumman Engineering came forward and stated that they were not ready to proceed with the discussion tonight and he submitted a letter asking for an extension to the next meeting.

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

Dean Martin, P.E., from Grumman Engineering and Paul Harris, Architect, came forward and presented a wetland buffer plan and additional restoration plans for the Commission's review. Mr. Martin noted that they propose a 25 ft. planting buffer along the wetland line and continued to describe the plan for the Commission. Mr. Harris noted that they propose 12 new trees in that area and 20 new trees between the house and the next door neighbor. Mr. Turner expressed concern on the effect downstream in the future and Mr. Failla suggested a one year period of growing season to see how the remediation plan is progressing. He also suggested that a 16 month bond be posted and discussion on that amount ensued.

MOTION FOR APPROVAL

Mr. Failla made a motion to approve the remediation plan prepared by Grumman Engineering dated 12/14/11 and revised 12/19/11, 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 \$25,000 bond will be instituted and subject to adjustment if more work is required. The applicant is to come back to the June, 2013 meeting with a follow up on the success of the planting plan.

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

APPROVAL OF MINUTES

Approval of the Minutes from the January 17, 2012 meeting was continued to next month's meeting.

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