

DATE
APPROVED:

CONSERVATION COMMISSION MINUTES FOR MARCH 20, 2012 PAGE #12-17

MEMBERS PRESENT:

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

Meeting on tapes dated 3/20/12

Mr. Schwarz opened the March 20th Regular meeting of the Weston Conservation Commission at 7:33 p.m.

WALK DATE

The walk date was set for Saturday, April 7, 2012. The Commissioners will meet at Town Hall at 8:00 a.m.

RECEIPT OF APPLICATIONS

- Goodwyn, 67 Goodhill, bank restoration & rehabilitation
- Docimo, 7 Wildwood Lane, addition to kitchen, mudroom area, add terrace plantings & regarding
- Ferrara, 67 Lyons Plain, inground pool/spa/patio (Murphy Pools)
- Ascher, 2 Woodland Way-renovations
- Heidart, 128 Valley Forge, 2 playing courts
- Freedman, 39 Tannery Lane, septic rebuild (LandTech)
- Park, 24 Church Lane, gazebo

MOTION FOR RECEIPT

Mr. Anderson reported that the Goodwyn, 67 Goodhill 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 Docimo, 7 Wildwood Lane, 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 Ferrara, 67 Lyons Plain, 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 Ascher, 2 Woodland Way, application is complete and appropriate for receipt. Mr. Schwarz made a motion to receive the application and Mr. Failla seconded. All in favor, the motion carried (5-0).

MOTION FOR RECEIPT

Mr. Anderson reported that the Heidart, 128 Valley Forge, 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 Freedman, 39 Tannery Lane, application is complete and appropriate for receipt. Pete Romano from LandTech asked if he could address the Commission and Mr. Failla stated they would put it off until after the receipts.

MOTION FOR RECEIPT

Mr. Anderson reported that the Park, 24 Church Lane, 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).

FREEDMAN, 39 TANNERY LANE

Pete Romano from LandTech came forward and stated that the septic system is failing and they would like to have the matter heard on an emergency basis.

MOTION TO HEAR ON EMERGENCY BASIS

Mr. Schwarz made a motion to hear the application on an emergency basis and Ms. Minter seconded. Mr. Failla questioned why this requires an emergency review and discussion ensued. After discussion, the vote was tabled to the end of the meeting.

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

Mr. Shubber came forward to discuss. Mr. Spaulding noted that this discussion is only about the slope stabilization. Mr. Shubber stated the slope was graded and the majority of the slope stands at 2.5 to 1 and 3 to 1. He stated that the next step is to put soil on the slope per the plan and do protection and plantings. Ms. Minter questioned why the large rocks were not taken out. Mr. Ritchie explained that discussion in the field was that as long as he grades it at least 2 to 1 and then covers them with soil so they can be planted and there are not exposed boulders. Mr. Ritchie clarified that the Commission gave Mr. Shubber the opportunity to pull back the boulders without taking them out and the ones that would need to be taken out to accomplish the grades will be taken out. Now Mr. Shubber needs to show that the soil will not be lost in the rip rap and can sustain the plantings. Kate Throckmorton from Environmental Land Solutions came forward and stated that she prepared a plan and believes that the ultimate goal is to get the slope planted and she suggested that Mr. Ritchie and she go out and come up with a uniform plan that would be acceptable to everyone. Mr. Ritchie recommended that if they put down filter fabric uniformly

across the area, he thinks that putting soil on top and having pockets of soil for planting will work. Discussion ensued.

Following discussion, Mr. Schwarz suggested that Mr. Ritchie, Ms. Throckmorton and Ms. Minter go out and look at the area to come up with a plan to ensure that there will be sufficient soil to support the plantings.

MOTION

Mr. Schwarz made a motion to have Mr. Ritchie, Ms. Throckmorton and Ms. Minter go out and look at the area to come up with a plan to ensure that there will be sufficient soil to support the plantings. Mr. Failla seconded the motion. The motion was voted on and carried (4-0 [1 abstain-Minter]).

MOTION

Mr. Schwarz made a motion to continue to retain Todd Ritchie, P.E. and Mr. Spaulding seconded. All in favor, the motion carried (5-0).

DISCUSSION OF APPLICATION: SKOLER, 45 DAVIS HILL, RECONSTRUCTION OF IN-GROUND POOL & RELATED PATIOS & WALLS

Alice Eckerson, landscape architect from Eckerson Design Associates, LLC, came forward and stated that they propose to put in a new pool and rework the patio area. She noted that the elevation was not changing. Mr. Turner questioned whether any material removed must be taken off site and Mr. Anderson noted that he will need a letter certifying where the material goes. Mr. Failla stated that they need a vegetative buffer down by the river and questioned what the pipes going into the river are from. Discussion ensued.

Following discussion, the Commission asked Ms. Eckerson to come back next month with additional information on the pipe and where it is coming from.

MOTION FOR PARTIAL APPROVAL

Motion to approve a portion of the plan to work on the patio adjacent to the house next to the pool as shown on a plan prepared by Eckerson Design Associates, LLC, dated 3/6/12 and revised 3/20/12, as indicated by notes from Alice Eckerson, and 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. Spaulding seconded the motion. All in favor, the motion carried (5-0).

DISCUSSION OF APPLICATION: REDPATH: 166 GEORGETOWN ROAD, DEMO GARAGE, FAMILY ROOM & PLAYROOM; ADD NEW 4 CAR GARAGE, FAMILY ROOM, PLAYROOM, MASTER SUITE & DEN

Mr. Redpath and Jake Watkins from JBW Architects came forward and presented plans for the Commissioners to review. Mr. Watkins noted that the plan is to remove an existing 2 car garage, family room and playroom and replace with a 4 car garage and net additional square footage is 450 sq. ft. He indicated a tiny portion where the addition will be close to the wetlands. Discussion ensued.

Nicholas Bell, adjacent landowner and original developer of the property came forward and stated that he built the house they are talking about and he voiced concerns about things that have taken place over time on the property. He stated that the restricted use of the land has not been abided by. He explained that the boulder train is not shown on the proposed plan which

should be in place. He also expressed concerns with runoff from the paved driveway that was supposed to remain stone running into the west branch of the Saugatuck River. He also suggested vegetative buffers.

Mr. Failla asked Mr. Redpath if he would be willing to install a 10 foot vegetative buffer and Mr. Redpath indicated that they would have no problem doing that and indicated that on the plan, signed and dated it today. Mr. Watkins also indicated an additional drywell on the plan.

MOTION FOR APPROVAL

Mr. Failla made a motion to approve the application for 166 Georgetown Road, to extend the driveway and add an additional 200 sq. ft. garage addition with living space above, as shown on plan prepared by Chioppa & Paolini, dated 1/18/12, with additional vegetative buffer drawn in by owner and drywell drawn in by architect, 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 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.

J. The bridge is to remain.

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

DISCUSSION OF APPLICATION: SCHREDDER, 11 NEWTOWN TURNPIKE,
RECONSTRUCT DECK & CURTAIN DRAIN, NEW STONE PATIO

Kate Throckmorton from Environmental Land Solutions came forward to present the proposal. She indicated that the wetlands are seeps coming off the hill. She noted that the house was built in 1977 and the wetland and watercourse was a straight line and when the builder created a plateau on the hill, the water was re-routed. Ms. Throckmorton also noted that the curtain drain is no longer providing protection for the basement, and creating ponding at the back of the house. They would like to rebuild the curtain drain. With that repair, they are also renovating and reconfiguring the back of the house within the existing disturbance area. Ms. Throckmorton then explained proposed plan noting that they have added plantings within the wetlands seep area and made provisions for erosion control. Discussion ensued.

MOTION FOR APPROVAL

Ms. Minter made a motion to approve the application for 11 Newtown Turnpike as shown on the plan prepared by Environmental Land Solutions, dated 2/8/12, 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.

J. Applicant will inspect and correct the roof leaders.

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)

There was no one to present the application.

MOTION TO DENY

Mr. Schwarz made a motion to deny the application, without prejudice, and Mr. Failla seconded. All in favor, the motion carried (5-0).

FREEDMAN, 39 TANNERY LANE, SEPTIC REBUILD (LANDTECH)

Mr. Anderson noted that he went out to the site and the system is failing, not bubbling up, but or backing up into the house. He is not clear that is in an emergency position. Mr. Romano explained that the system is failing and it is directly within the wetlands and there is potential for effluent going into the wetlands.

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application for Freedman, 39 Tannery Lane, and Mr. Failla seconded. All in favor, the motion carried (5-0).

Mr. Romano then explained that according to the Health Department, there is no code complying area for a septic system that can be found on the property and no septic installer can do repairs, so it gets turned over to an engineer. The engineer did test holes and had a survey done, and there is one area of land in the back which fits the code complying septic system for a 5 bedroom house. Discussion ensued.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the application for 39 Tannery Lane South as shown on a plan prepared by LandTech, dated 3/6/12, 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:

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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 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.

J. No construction is to go forward until Health Department approval is received.

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

APPROVAL OF MINUTES

Mr. Schwarz made a motion to approve the Minutes from the December 1, 2011, January 17, 2012 and February 14, 2012 meetings 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 9:35

Respectfully submitted,

Delana Lustberg
Recording Secretary