

DATE
APPROVED:

CONSERVATION COMMISSION MINUTES FOR MAY 15, 2012 PAGE #12-38

MEMBERS PRESENT:

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

Meeting on digital recording dated 5/15/12

Mr. Schwarz opened the May 15th Regular meeting of the Weston Conservation Commission at 7:33 p.m.

WALK DATE

The walk date was set for Saturday, June 9, 2012. The Commissioners will meet at Town Hall at 8:00 a.m.

RECEIPT OF APPLICATIONS

- Kirchner, 76 Ledgewood Drive E., generator
- Harb Development, 450 Newtown Tpke., new house (Dean Martin, P.E.)
- 12 Old Mill Rd, LLC, 12 Old Mill Rd – site improvements for proposed lower parking lot for Cobbs Mill Inn (LandTech)
- Busterud, 94 Valley Forge – additions to existing house (Kinlin, Arch)
- Shapiro, 9 Meadowbrook Lane – grade, gravel driveway, replace septic, extend roof line, rebuild garage.
- Gordon, Plot 2 Skylark Drive, new house & site improvements (L. Edwards)

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the Kirchner, 76 Ledgewood Drive application and Mr. Spaulding seconded. All in favor, the motion carried (5-0).

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the Harb Development, 450 Newtown Turnpike application and Mr. Spaulding seconded. All in favor, the motion carried (5-0).

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the 12 Old Mill Road, LLC application and Mr. Failla seconded. All in favor, the motion carried (5-0).

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the Busterud, 94 Valley Forge application and Ms. Minter seconded. All in favor, the motion carried (5-0).

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the Shapiro, 9 Meadowbrook Lane application and Mr. Spaulding seconded. All in favor, the motion carried (5-0).

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the Gordon, Plot 2 Skylark Drive application and Mr. Spaulding seconded. All in favor, the motion carried (5-0).

DISCUSSION OF APPLICATION CONT: SHUBBER, 7 SMITH RIDGE, SLOPE BOULDER STABILIZATION

Mr. Shubber was not in attendance and Mr. Anderson reported that he was out at the site with Kate Throckmorton and Todd Ritchie and the agreement is to go forward with the original proposal. The proposal is to remove the rocks on top and replace with soil sufficient for planting. Ms. Kulikowski, Land Use Director, outlined the conditions and Mr. Anderson stated that he will check the property this week and noted that Mr. Shubber has to move a section of the driveway which was put in by the prior owner but encroaching on the neighbor's property. Discussion ensued.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the balance of the plan prepared by Environmental Land Solutions dated 1/12/12, revised 2/2/12, 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. All erosion and sediment controls as shown on the approve site plan are to be installed prior to the start of any work. Inspection of the erosion and sediment controls are to be regularly monitored and maintained by the contractor(s) performing the work and inspected by a designated town agent (or independent inspector assigned by the Commission). Contractor is to provide all controls necessary to prevent impacts of erosion and sediment deposition into wetlands (beyond what is shown on the site plan as deemed necessary). If the inspector designated by the Commission deems insufficient controls are in place or that impacts to wetlands have occurred then it is the authority of the inspector acting as an agent to the Commission to issue an immediate stop work order until corrective action is taken by the contractor to the satisfaction of the inspector.

K. Contractor is to notify the Conservation Commission prior to the start of work and provide a 1-week outlook to the Commission of the anticipated site work schedule on a weekly basis (via email preferably every Monday).

L. All site grading completed within the 100' regulatory review area shall have a maximum slope of 1:2 (Vertical: Horizontal) with a finished planted surface for all areas within 50' of wetlands per the site plan dated 2/2/12. No riprap slopes (new or existing) are to be located within 50' of wetlands.

M. All site work and restoration planting within 25 feet of wetlands shall be performed by a licensed environmental landscaping contractor.

N. Upon completion of the approved regulated site work activities, the Applicant shall submit to the Commission the following:

- 1) As-built survey prepared by a CT licensed surveyor which includes the following: house, driveway, patio, pool, geothermal wells, water supply wells, buffer planting areas, lawn areas, septic system, drainage systems, and final grades (contour lines).
- 2) Certification letter from Environmental Land Solutions that the completed site work and buffer planting has been inspected and completed in substantial conformance with their site plan dated 2/2/12.
- 3) Certification letter prepared by CT licensed structural engineer following completion of site work documenting final inspection of the stone wall and slope and certifying that the wall and slope are laterally stable to retain the completed modified soil embankment.

O. Prior to the release of the bond, the Conservation Planner is to confirm that all conditions have been met.

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

DISCUSSION OF APPLICATION: SKUNK PROPERTIES, LOT 3 FAR HORIZONS SUBDIVISION, 10 LADDER HILL ROAD S., SITE PLAN APPROVAL AND PLAN A, PERMISSION TO CREATE RAIN GARDEN (HUNTINGTON CO.)

Michael Bologna, Esq., representing the owners, came forward to present the application. He noted that there are three matters on the agenda that they will be addressing, the site plan approval, the rain garden in a small peninsula of wetlands, and the lifting of the Cease & Desist Order from 1999-2000. He noted that the driveway is impervious and more than 50 ft. from the wetlands and the tennis courts are also impervious surface but will be handled with its own drainage and infiltrators. Mr. Bologna then introduced Michael Petrillo, land surveyor, from Huntington & Company and Tara Vincenta from Artimus Landscape Architects who came up with the site plan.

Tara Vincenta, came forward and stated that she was hired to come up with a site plan that was to create a landscape that is ecologically sensitive to the area and look like nothing has been touched other than some minor areas around the building. She proposes to use native and drought tolerant species and reducing the amount of lawn to a minor area for entertaining off the back. Ms. Vincenta noted that they are able to grade the entire property with sheet drainage, and no catch basins are required on the entire section of driveway or the courtyard. Discussion and questions ensued.

Mike Petrillo, land surveyor and engineer from Huntington Company came forward and explained that the lot was one of four lots approved by the town and they are here for site specific approval. He noted that the plan shows the new garage just into the 100 ft. setback line. Discussion ensued on the tennis courts.

In response to a question posed by Mr. Swartz, Mr. Petrillo explained that what they propose will have no effect on the wetlands. He further noted that if they were to slide the house to the south, it would have significant impact due to the cut and fill that would need to be done on the slope. Discussion continued on the square footage of the development.

Mr. Failla then commented that he was not so concerned with the trees and realizes that if they move the house to the south, it will create more developmental difficulties, but the sq. footage of the development is a lot bigger that was anticipated when the subdivision was approved. He noted that the giving up ½ the property with a Conservation easement is a mitigating factor, but he'd like to see if they can figure out if anything else can be done here to make reasonable and prudent alternatives. Mr. Schwarz expressed concern with the entranceway and the location of the garage.

Mr. Failla also brought attention to a complaint letter from Ms. Simons that the subdivision map was not filed properly. Attorney Bologna stated that it is a Planning & Zoning issue and the Conservation Commission should not take that into account.

The discussion was continued to next month's meeting.

DISCUSSION/DECISION: SKUNK PROPERTIES, FAR HORIZON SUB, 10 LADDER HILL ROAD, REQUEST TO LIFT THE 2/14/00 & 1/29/99 CEASE & DESIST ORDERS

Mr. Bologna stated that his understanding is that they were issued to the previous owners. They are seeking to lift the C&D orders so that they can continue with the project. He noted that they are not building in the area that was the trigger for the C&D. Mr. Schwarz recommended that they continue discussion on the matter next month as well.

DISCUSSION OF APPLICATION: BARGER: 31 OLD REDDING ROAD, GENERATOR AND PAD

Russel Wolf, representing the owners came forward and stated that there will be a generator and a pad that comes with unit, there is no digging required. It is a plastic pad and he indicated the location of the propane tank which will be underground and it will take less than day to go in and put the tank in. He noted that they will put silt fencing around the area to protect the wetlands and they will walk equipment right in.

MOTION FOR APPROVAL

Mr. Failla made a motion to approve the application for a generator, pad and underground tank, as shown on a map prepared by Leonard Surveyors dated 4/2/12 and signed and dated 5/15/12 today by Mr. Wolf, 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. Lawn material being dumped into the wetlands in the front of the property is to be removed and no yard waste material is to be placed there in the future.

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

DISCUSSION OF APPLICATION: METTEL, 36 JOANNE LANE, REPAIR LEACHING FIELD

Kenneth Mettel and Richard Bennett, P.E. came forward and presented the soil scientist report dated 5/7/12 from Henry Moehler for the Commissioners’ review. He noted that he also had Otto Thiel out to verify Mr. Moehler’s report. Mr. Bennett explained that there are well drained soils and mounding was done for a previous septic system and have added 2 fields to the edges.

He noted that the only soil brought in was for leaching field and there did not appear to be wetlands there, it is a wooded area.

MOTION FOR APPROVAL

Mr. Faille made a motion to approve the application for leaching field repair as shown on plans prepared by Richard Bennett & Assoc. dated 10/12/11 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:

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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. An as-built plan is to be filed with the Commission and the letter from Otto Thiel.

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

DISCUSSION OF APPLICATION: PAPAY, 160 STEEPHILL ROAD, POOL (R.I. POOLS)
Franco from RI Pools came forward to present the plan for a pool. Fred noted that based on his investigation, the current lawn area was originally wetlands. Otto Thiel, Soil Scientist, went out to the property and did a soil report. Mr. Failla noted that the characteristics of the wetlands have changed and they need to see whether there needs to be remediation. Mr. Schwarz stated that they need a mitigation plan on how to restore the area as best as they can to its original state. The discussion was continued to the next meeting.

APPROVAL OF MINUTES

Mr. Schwarz made a motion to approve the Minutes from the April 17, 2012 meetings and Mr. Failla seconded. All in favor, the motion carried (5-0).

MOTION TO ADJOURN

Mr. Schwarz made a motion to adjourn the meeting and Mr. Turner seconded. All in favor, the meeting adjourned at 9:41.

Respectfully submitted,

Delana Lustberg
Recording Secretary