

DATE
APPROVED:

CONSERVATION COMMISSION MINUTES FOR JUNE 19, 2012 PAGE #12-46

MEMBERS PRESENT:

Tom Failla, Chris Spaulding, Robert Turner and Cathy Minter

Meeting on digital recording dated 6/19/12

Mr. Failla opened the June 19th Regular meeting of the Weston Conservation Commission at 7:33 p.m.

WALK DATE

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

RECEIPT OF APPLICATIONS

- Taddeo, 178 Godfrey Road E., exterior renovations, deck repair, conversion of screened porch to open deck, new screened porch (Hamilton)
- Manson, 184 Lyons Plain, creation of stone wall in Saugatuck River near Cartridge bridge

MOTION FOR RECEIPT

Ms. Minter made a motion to receive the Taddeo, 178 Godfrey Road East application and Mr. Spaulding seconded. All in favor, the motion carried (4-0).

Mr. Anderson reported that the Manson application was not complete for receipt.

DISCUSSION OF APPLICATION CONT.: 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 discuss the changes made based on the comments from the Commission at the last meeting. He noted that the garage has been made slightly smaller and is no longer in the setback area. The proposed rain garden which was located in the wetland has been taken out relocated in the regulated area. Mr. Bologna explained that an alternative to the rain garden would be putting in galleries at the back which would take all runoff from the house and driveway, but thinks that the rain garden would accomplish the bio-filtration better, but they have noted both alternates on the plans. He further noted that the galleries on the west side which were for the tennis court have been moved to the south and out of the regulated area and they have eliminated the proposed pavilion.

Bill Kenney, wetlands and soil scientist, came forward and explained the characteristics of the wetland areas on the site and explained why he thought that the proposed rain garden is a better

proposal to handle the infiltration of the runoff. Mr. Failla stated that he would like to see a limit of disturbance line all around the property and Mr. Kenney indicated that line on the plan.

Mike Petrillo came forward and explained that 'Plan D' shows the tennis court shifted but without the rain garden. He noted that they could make the rain garden smaller to take care of a portion of the driveway and house and split the drainage to put some into galleys.

Tara Vincenta, from Artemis Landscapes came forward to describe the changes to the driveway noting that they are bringing the driveway around the knoll of trees so as not to disturb them. They tried to put it in between the trees, but determined that the way the property is graded, the drainage from that portion of the driveway will not have an impact on the wetlands.

MOTION FOR APPROVAL

Mr. Spaulding made a motion to approve the application for Skunk Properties, Lot 3 Far Horizon Subdivision, 10 Ladder Hill Road, as shown on a map entitled 'Plan D' prepared by The Huntington Company, dated 6/18/12 showing the tennis court and galleries, and 'Plan C' prepared by The Huntington Company dated 6/12/12 showing the limits of disturbance and location of the rain garden, 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.

J. The driveway is to remain gravel and is not to be paved.

K. The Huntington Company is to submit a new map integrating the Plan C and Plan D into one comprehensive plan.

L. The only maintenance in the rain garden is that which would restrict invasive species and to ensure that it maintains sufficient volume.

Ms. Minter seconded the motion. All in favor, the motion carried (4-0).

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

Attorney Bologna stated that now that Plan C & D have been approved tonight, the remediation is part of that approved plan and the wall will be no higher than 12 ft. and they will take down the elevation of fill on the other side of the wall. Mr. Spaulding suggested that Mr. Anderson monitor the work as it goes along.

MOTION TO LIFT CEASE & DESIST ORDERS

Mr. Failla made a motion to lift the Cease & Desist Orders dated 1/29/99 and 2/14/00 and Ms. Minter seconded. All in favor, the motion carried (4-0).

DISCUSSION OF APPLICATION CONT.: PAPAY, 160 STEEPHILL, POOL (R.I. POOLS)

Franco from R.I. Pools came forward and presented a report from Kate Throckmorton from Environmental Land Solutions and reviewed the areas on the plan. Mr. Anderson commented that it is certainly an improvement on what was proposed before. Mr. Spaulding asked Franco to indicate the path the machinery will take into the location and Franco indicated that there will be

no issue with the footbridge. Mr. Failla recommended that Mr. Anderson inspect the plantings in the first and second year of growth.

MOTION FOR APPROVAL

Ms. Minter made a motion to approve the application for 160 Steephill for a pool as shown on a plan prepared by Walter Skidd, Surveyor, dated 3/29/12, 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 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. The owner is to follow the recommendations provided by Environmental Land Solutions dated 6/14/2012 regarding the existing condition and mediation methods, signed and dated by the representative 6/19/12.

K. The Conservation Planner will conduct a review of the mitigation plantings after the first and second years of growth.

Mr. Spaulding seconded the motion. All in favor, the motion carried (4-0).

DISCUSSION OF APPLICATION: GORDON, PLOT 2 SKYLARK DRIVE, NEW HOUSE & SITE IMPROVEMENTS (LARRY EDWARDS)

Mr. Failla noted that they have plot plans dated 6/6/67 which show Plot 1 and Plot 2 coming off of Dogwood and not Skylark. Larry Edwards, representing the owners, came forward and stated that the only frontage for Lot 2 is on Skylark. He explained that he went back to the original deed noting that Mr. Newman all of the property and created Plot 2. He noted that it was suggested on the walk an alternative of a 3 x 6 ft. box culvert instead of 40" pipe. He also noted that they could possibly shift the location to the north because the grade is not so steep and it would reduce the direct impact of wetlands by 50 sq. ft. Mr. Edwards indicated the wetlands line, proposed septic location and the well location. He noted that the footprint of the house is 60' x 35' and noted the locations of the proposed conservation easements and the limit of disturbance. Discussion ensued.

Mark Perotta, 24 Skylark Drive and Kenneth and Kathleen Dafner, 15 Skylark Drive, neighbors, came forward to state their objections to the configuration. Their contention is that there is a shared easement and maintenance of Skylark Road, and that the owners also own the property with access to Dogwood Road and could go through that property. By trying to cross the gully/stream, it would need to be a substantial bridge and will have an impact on the water flow.

Mr. Edwards then indicated the location of waterfall and noted that with the box culvert, they will have a wide and more natural flow for the water.

Discussion turned to sequencing and a plan indicating which trees stay and which are to go and what they are going to be replaced with. The discussion was continued until the next meeting.

DISCUSSION OF APPLICATION: KIRSCHNER, 76 LEDGEWOOD DRIVE E., GENERATOR

Mrs. Kirschner came forward to present the application and indicated on the plan the location of the generator which they have located as far away from the wetlands as possible and under the deck.

MOTION FOR APPROVAL

Ms. Minter made a motion to approve the application for 76 Ledgewood Drive E. for a generator and propane tank as shown on a plan prepared by Louis Bottone and dated 6/27/1973 and amended 6/19/2012 by Mrs. Kirschner indicating the location of the generator and propane tank, 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.

Mr. Spaulding seconded the motion. All in favor, the motion carried (4-0).

DISCUSSION OF APPLICATION: HARB DEVELOPMENT, 450 NEWTOWN TURNPIKE, NEW HOUSE (D. MARTIN, P.E.)

Dean Martin, P.E. came forward to present the application. He explained that this lot was previously approved by the Conservation Commission in 2005 and they are back for site specific review. He noted that the only thing that has changed from the approved plan is the house footprint, which has reduced from the previously approved 2,916 sq. ft. to 1,880 sq. ft. Mr. Martin indicated the location of the house and driveway and the septic location on the east side of the wetland pond. He further noted that there was a 5-6 bay garage on property and the owner hired an environmental engineer to do an analysis and he provided that report for the Commission's review. That report indicated that the garage was removed and there is no contaminated soil left. The Commissioners then reviewed the conditions from the original approval.

MOTION FOR APPROVAL

Ms. Minter made a motion to approve the application for 450 Newtown Turnpike as shown on a plan prepared by Grumman Engineering dated 5/8/12 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. The applicant will grout the space between the force main and the pipe.

Mr. Spaulding seconded the motion. All in favor, the motion carried (4-0).

DISCUSSION OF APPLICATION: 12 OLD MILL ROAD, LLC, 12 OLD MILL ROAD, SITE IMPROVEMENTS FOR PROPOSED LOWER PARKING LOT FOR COBBS MILL INN (LAND TECH)

Pete Romano from Land Tech came forward to present the application. He stated that the intention is to improve the parking area in the future and it will be an impervious material, probably pavers, but they treated it as paved for drainage calculations. He noted that this proposal will decrease the impervious area to 6,500 sq. ft. Mr. Romano also explained that they propose to construct a rain garden for a non-structural way of handling the drainage. Mr. Failla questioned how they would make sure that hot water from the parking lot is now flowing into the stream. Discussion ensued.

Fran Blackman, 110 Newtown Turnpike, came forward and stated that their property is directly across from the river and wanted to impress upon the Commission that they make sure that anything being done at that property must come before the Commission in the future.

Ms. Minter commented that anything done outside the building needs to be permitted by the Commission. She also suggested a planting buffer, installation of silt fence and the removal of debris.

MOTION FOR APPROVAL

Ms. Minter made a motion to approve the application for 12 Old Mill Road for a proposed lower parking lot as shown on a plan prepared by Land Tech Consultants, dated 3/26/12 and revised 5/11/12, 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. The applicant is to provide the Conservation Planner with a plan for remediating the area behind the wood shed to his satisfaction.

K. A silt fence shall be installed along the river before the project commences.

Mr. Spaulding seconded the motion. All in favor, the motion carried (4-0).

DISCUSSION OF APPLICATION: BUSTERUD, 94 VALLEY FORGE, ADD TO EXISTING HOUSE (KINLIN, ARCH)

Bruce Kinlin, representing the owners, came forward to present the application. He explained it is an existing home and the goal is to fix it up and he also indicated the location of the upgraded septic system. Mr. Failla expressed concern that some of the patio and retaining wall is not outside the 100 ft. line. Discussion ensued.

MOTION FOR APPROVAL

Mr. Failla made a motion to approve the application for 94 Valley Forge Road for a septic system upgrade as shown on a plan prepared by McChord Engineering dated 6/19/2012 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. The Conservation Planner is to meet in the field to determine the location of the silt fence after approval from the Health Department.

Mr. Spaulding seconded the motion. All in favor, the motion carried (4-0).

DISCUSSION OF APPLICATION: SHAPIRO, 9 MEADOWBROOK LANE, GRADE, GRAVEL DRIVEWAY, REPLACE SEPTIC, EXTEND ROOF LINE, REBUILD GARAGE

Michael and Steven Shapiro came forward and explained that they are looking to change the existing house, and will be staying within the current footprint. They want to rebuild the garage and add a bedroom over the garage and extend the existing roofline. Mr. Shapiro indicated the location of the drywells and explained that they will also be re-grading the existing driveway, putting down gravel and having it drain towards Georgetown Road. Discussion ensued.

MOTION FOR APPROVAL

Mr. Spaulding made a motion to approve the application for 9 Meadowbrook Lane for improvements on the existing footprint and septic replacement as shown on plan prepared by William O'Boy dated 5/5/2012 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. The applicant is to submit a construction sequencing to the Conservation Planner for review and approval.

K. The applicant is to submit a planting plan for the 15 ft buffer along the West Branch of the Saugatuck River to the Conservation Planner for review and approval.

L. The limit of disturbance is delineated by the 15 ft. planting buffer located on the plan and dated 6/19/2012.

Ms. Minter seconded the motion. All in favor, the motion carried (4-0).

APPROVAL OF MINUTES

Ms. Minter made a motion to approve the Minutes from the May 15, 2012 meeting and Mr. Failla seconded. All in favor, the motion carried (4-0).

MOTION TO ADJOURN

Mr. Failla made a motion to adjourn the meeting and Mr. Turner seconded. All in favor, the meeting adjourned at 10:06 p.m.

Respectfully submitted,

Delana Lustberg
Recording Secretary