

DATE
APPROVED:

CONSERVATION COMMISSION MINUTES FOR JULY 18, 2013 PAGE #13-44

MEMBERS PRESENT:

Chairman Ed Schwarz, Vice Chairman Tom Failla, Catherine Minter, Chris Spaulding, Robert Turner, Michiel Zegers and Ted von Rosenvinge

ALSO PRESENT:

David Pattee, Acting Conservation Planner

Meeting on digital recording dated 7/18/13

Mr. Schwarz opened the July 18th Regular meeting of the Weston Conservation Commission at 7:30 p.m.

RECEIPT OF APPLICATIONS:

- Fischer, 9 Deepwood Road, replacement septic system (J. Edwards & Assoc.)
- Janson, 73 Lords Highway, pool, pavilion & partial septic relocation (R. Altman)
- Hensinger, 24 Laurel Lake West, new barn to replace existing guest cottage (Parker)

David Pattee, Conservation Planner reported that all the applications are complete and appropriate for receipt.

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Fischer, 9 Deepwood Road and Mr. Spaulding seconded. All in favor, the motion carried (6-0).

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Janson, 73 Lords Highway and Mr. Spaulding seconded. All in favor, the motion carried (6-0).

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Hensinger, 24 Laurel Lake West and Mr. Failla seconded. All in favor, the motion carried (6-0).

ADMINISTRATIVE APPROVAL: SHEIKMAN, 343 GOODHILL, REBUILDING 2 STORY HOUSE ON EXISTING FOUNDATION (JAMIESON)

Mr. Pattee came forward and explained that in Hurricane Irene a tree crushed the house. The house was removed and the foundation remains. He would like to rebuild on that existing foundation without and expansion of the footprint. There are wetlands just off the property but a

stone wall is on the edge. There would be no earthmoving activities with the rebuild. Mr. Pattee noted that it is in the upland area but after the stone wall it drops off. Discussion on whether it meets Administrative Approval requirements ensued.

MOTION TO APPROVE ADMINISTRATIVELY

Mr. Failla made a motion to direct the Conservation Planner to administratively approve the application for Sheikman, 343 Goodhill Road to rebuild a house on the existing foundation, subject to the standard conditions for approval and the addition of a silt fence. Mr. Zegers seconded the motion. All in favor, the motion carried (6-0).

MODIFICATION FOR APPROVAL OF FENCE AROUND MIDDLE SCHOOL WETLANDS

Mr. Pattee explained that the Board of Education would like to install a chain link fence around the wetlands area by the ball fields. Mr. Spaulding noted that they needed to put up fence for liability issues and the Army Corps agreed that it could be a 5 ft. fence 1 ft. off the ground to allow for the passage of wildlife. There were no representatives available for discussion so Mr. Schwarz stated that they will need to come back to the August 1st meeting to present the proposals.

[von Rosenvinge arrived 7:45]

TRANSFER OF PERMIT: ADLER, 11 NOVEMBER TRAIL TO JOSHUA GILMAN (CONTRACT PURCHASER) NEW HOUSE (PERMIT APPROVED 7/20/2010, FILE 10-9) and MODIFICATION OF PERMIT APPROVED 7/20/2010M, FILE 10-9

Joshua Gilman came forward and explained that he is under contract to purchase the property at 11 November Trail which received approval in 2010 for construction of a single family dwelling. He stated that he would like to have that approval transferred but because he cannot build that exact same house that was approved he would like to have the ability to modify that approval. Mr. Gilman noted that the house that he proposes would be smaller with a smaller septic and the positioning of the house has straightened from the original location because of concerns about the driveway. Discussion ensued.

Ms. Minter commented that it seems like a better plan now. Mr. Spaulding asked Mr. Gilman to indicate the erosion controls.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the transfer of the permit from Adler to Gilman and Mr. Spaulding seconded. All in favor, the motion carried (7-0).

MOTION TO APPROVE MODIFICATION

Mr. Schwarz made a motion to approve the modification as shown on plans prepared by Neal Jaine Land Surveying dated 7/12/13, 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. Double silt fencing with hay bales in between are to be used and the soil stockpile is to be covered and secured and the location approved by the Conservation Planner.

Ms. Minter seconded the motion. All in favor, the motion carried (7-0).

The Board of Education representatives arrived at the meeting.

MODIFICATION OF PERMIT FOR APPROVAL OF FENCE AROUND MIDDLE SCHOOL WETLANDS

Tom Landry, Town Administrator came forward and stated that the wetlands mitigation project is about completed and the Board of Education has requested that a fence be installed for safety. The Board of Finance and Board of Selectman have already given their approval for an appropriation for the fence. Discussion on the height of the fence ensued. Dr. Palmer, Superintendent of Schools explained that they would like to have the fence as close to the ground as possible to prevent any children from getting under and drowning. They would like to treat it like a swimming pool fence enclosure. Discussion ensued.

Mr. Turner and Mr. Failla stated that they should just put it on the ground. Mr. Spaulding noted that the back of the wetland area will not be enclosed so they creatures would be able to move around and they would be protected from the parking lot area.

Mr. Failla noted that this is an administrative matter and was not on the agenda so therefore not properly noticed and there would be a two week waiting period for notification.

Mr. Schwarz made a motion to handle the matter administratively and Mr. Spaulding seconded. All in favor, the motion carried (7-0).

DISCUSSION OF APPLICATION: MCGRADY, 17 TWIN WALLS, POOL (MEEHAN & RAMOS POOLS LLC)

Tim Meehan from Meehan & Ramos Pools came forward to present the application. He explained that they have received the approval from the Health Department. Mr. Meehan noted there is a wall separating the wetlands from the back yard so there will be no construction vehicles driving through the wetlands, and everything from the stone wall to the house is mowed lawn so there are no wetlands impacted. There is a retaining wall that drops down to a lower elevation and there will be no grading beyond near the wetlands. Mr. Meehan further described the drainage and Cultek system planned for the space between the wall and the patio area noting that there will be no discharge with this. Discussion ensued on pool fencing and silt fencing.

Mr. Failla noted that they would need to see a post hold digging and a construction sequence and certification on where the fill will be going.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the plan for a pool as shown on a plan prepared by Walter Skidd, Land Surveyor, dated 10/10/12, and revised 5/31/13, 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 provide the Conservation Planner with a construction sequence for the pool and pool fence.

K. The silt fence will go behind the stone wall and double silt fence in front of the gate area.

L. Certification of where the fill has been removed to must be presented to the Conservation Planner.

Ms. Minter seconded the motion. All in favor, the motion carried (7-0).

DISCUSSION OF APPLICATION: 21 TWIN WALLS LLC, 21 TWIN WALLS LANE, NEW HOUSE (RIGGER CONTRACTING LLC)

Washington Cabezas, PE and John Koziol, Manager from Rigger Contracting LLC came forward to present the application. It was noted that on the walk, the pool location was a problem so they have removed it from the plans. Mr. Cabezas noted the construction sequencing and indicated the location of the stock pile and they will put a silt fence around it and can put a tarp on top. Mr. Failla questioned how long it would be there and Mr. Koziol explained that they plan to be done with the stock pile in 4 months. Mr. Cabezas then explained the proposed rain garden and stated that he could provide a detailed plan for the vegetation. Discussion ensued.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the application for a new house at 21 Twin Walls Lane as shown on a plan prepared by Cabezas-DeAngelis, LLC, dated 6/24/13 and revised 7/8/13, 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. Details of the rain garden are to be provided to the Conservation Planner for his review and approval.

Ms. Minter seconded the motion. All in favor, the motion carried (7-0).

DISCUSSION OF APPLICATION: ASPETUCK VALLEY COUNTRY CLUB, 67 OLD REDDING ROAD FOR MASTER PLAN FOR ACTIVITIES AT AVCC

Peter Romano from LandTech came forward to discuss the application. The Commissioners noted that there were things that they saw on the walk of the property that need to be addressed immediately. Especially the washing of the golf carts in an area where the dirty water runs directly into the wetland and the relocation of the chemicals. Mr. von Roseninge stated that he would like to see the global drainage system for the entire property so they could get an idea of where things are going. Discussion ensued.

Mr. Romano asked for a sense of the Commission whether conceptually they approve the feasibility of the Master Plan pending site specific plans. Mr. Failla stated that the Commission will want to review all the projects that have not yet been built. Also a site specific plan for vegetative buffers around the ponds and streams must be provided to the Commission.

MOTION

Mr. Schwarz made a motion to acknowledge that the Commission has reviewed the Master Plan and direct the Aspetuck Valley Country Club to accomplish the following as soon as possible but no later than 30 days:

- 1) The lawn chemical storage area is to be relocated to an area consistent with best management practices for storage;
- 2) Identification of all run off into ponds and streams and a plan to handle eliminate any contaminated runoff;
- 3) Identification of all drainage pipes and where the water is coming from and where it is going;
- 4) Submit a site specific plan for vegetative buffers around the ponds and streams;
- 5) washing of cars must be moved upland to a buffered area;
- 6) Identify location and content of debris piles on the property that could have an impact on the wetlands;
- 7) submit a universal engineered drawing of the entire drainage and irrigation system to ensure water quality standards are met.

Mr. Failla seconded the motion. All in favor, the motion carried (7-0).

DISCUSSION OF APPLICATION: SWIDERGAL, 7 BROOKWOOD LANE, REMEDIATION PLAN TO REMOVE FILL FROM REGULATED AREAS AND RESTORE WETLANDS TO ADDRESS FEBRUARY 4, 2013 NOTICE OF VIOLATION

Tom Ryder from LandTech came forward to address the NOV regarding placing of fill in the wetlands. Mr. Ryder then indicated the location of fill making a lawn area along the driveway. The restoration plan proposes to remove the stone walls, gravel, soil and debris down to the original soil. He stated that Chris Allen, soil scientist from LandTech will determine the wetlands soil line. Mr. Ryder then indicated the location of a vegetative buffer and stone wall to keep future activity out. They propose to complete the project in two phases; Phase I will be removal of the filled wetland and Phase II will address the pond, bridges and dam. Discussion ensued.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the removal of fill in the wetlands. The applicant is to come back with plans to remediate the pond. The violation remains in place. Mr. Zegers seconded the motion. All in favor, the motion carried (7-0).

APPROVAL OF MINUTES

Mr. Failla made a motion to approve the minutes from the July 6, 2013 Special Meeting and site walk and Mr. Spaulding seconded. All in favor, the motion carried (7-0).

Approval of the Minutes from the June 20, 2013 Regular meeting was continued to the next meeting.

MOTION TO ENTER EXECUTIVE SESSION

Mr. Failla made a motion to enter Executive Session for the update on the search process for the Conservation Planner Position and Mr. Failla seconded. All in favor, the Commission entered Executive Session at 9:39 p.m.

MOTION TO EXIT EXECUTIVE SESSION

Enter regular Session 10:24 p.m.

MOTION TO ADJOURN

Mr. Spaulding made a motion to adjourn the meeting and Mr. Schwarz seconded. All in favor, the meeting adjourned 10:25 p.m.

Respectfully submitted,

Delana Lustberg
Recording Secretary