

MEMBERS PRESENT:

Chairman Ed Schwarz, Jed Ferdinand, Howard Aibel, David Rosenberg, Robert Turner and Cathy Minter

Meeting on tapes dated 11/25/11

Mr. Schwarz opened the January 25th special meeting of the Weston Conservation Commission at 7:35 p.m.

WALK DATE

The walk date was set for Saturday, February 12, 2011. The commissioners will meet at Town Hall at 8:00 a.m.

RECEIPT OF APPLICATIONS:

- Joseph, 10 Broad Street, dock (Bruce Eckerson, Landscape Arch.)
- Fitzgerald, 115 Godfrey Road East, addition (Design Two)

Mr. Schwarz noted that Mr. Anderson reported that the Joseph and Fitzgerald applications were complete and appropriate for receipt.

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Joseph, 10 Broad Street, and Mr. Aibel seconded. All in favor, the motion carried (6-0).

MOTION FOR RECEIPT

Mr. Aibel made a motion to receive the application of Fitzgerald, 115 Godfrey Road East, and Mr. Schwarz seconded. All in favor, the motion carried (6-0).

DISCUSSION OF APPLICATION: ZHANG, 86 TREADWELL, POOL, SPA, BATH HOUSE, GARAGE (WILLIS)

Bob Willis from Willis Pools in Woodbury came forward explained the plan for a pool, spa, bath house and garage. Mr. Schwarz noted that there was a question on the walk regarding a brook that was less than 100 feet from the where the construction would be. He asked Mr. Willis to explain what he would do to protect the brook. Mr. Willis explained that he has spoken with Mr. Anderson regarding silt fencing and there is a good buffer of about 90 feet. Mr. Schwarz then asked where the excavated dirt would go and Mr. Willis stated that it will be trucked out and indicated where the trucks would come in. Mr. Willis noted that they plan to begin work in two to three weeks because the hard soil is good for digging and removal. Ms. Minter asked whether the owners would have an objection to putting in barrier of water-filtering plantings which would act as an additional filter before getting into the pond. She suggested a water-filtering planting

buffer 10 feet off the wetlands. Mr. Schwarz then asked Mr. Willis to describe how the runoff from the additional impervious surface would be handled. Mr. Willis explained the plan for leader drains. Discussion ensued.

Following discussion, a motion was made to approve the application:

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the application for 86 Treadwell for a pool, spa, bath house and garage as shown on a plan prepared by Willis Pool Co. dated 12/6/10, 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 double silt fence with hay bales in the middle will be reviewed and approved by the Conservation Planner.

K. A vegetative buffer of water-filtering native plants 10 feet off the pond, as noted on the plan tonight by Mr. Willis, is to be included in the application and is to be reviewed and approved by the Conservation Planner.

Mr. Rosenberg seconded the motion. All in favor, the motion carried (6-0).

DISCUSSION OF APPLICATION CONT. PARKER, 20 BRIAR OAK DRIVE, POOL (SHORELINE POOLS)

Mrs. Parker and Robert Sherwood, Landscape Architect, came forward to continue discussion on the application. Mr. Sherwood explained that he was retained after the previous meeting where Gary from Shoreline Pools presented the proposed plan and the Commissioners had questions that needed additional clarification. He stated that he compiled the requested information into one legible site plan for the Commissioners to review. He further noted that there was an issue with a 6 in. pipe and explained that that is the drainage from the driveway. The wetlands expert, Otto Thiel, has been out to the site and stated that the area was a drainage ditch and he did not find any wetland soils. He did find a couple facultative wetland plants but also goldenrod, which is an upland species and would not consider the area wetlands but poorly-defined drainage swail. Mr. Sherwood also indicated that the pool is 92 feet from the wetlands and he has shown screening plant materials on the back property line and the fence location. Discussion ensued.

Mr. Schwarz then brought discussion to the issue of the impervious surface runoff and Mr. Sherwood explained that they have designed a series of small yard drains with an underground drywell system so that water flows into the drywell and then overflows near the existing pipe which will have rip wrap at the end. Discussion continued.

Following questions from Commissioners, Mr. Sherwood explained that the excavated soil will stay on property until trucked away and during construction there will be a double silt fence with hay bales in the middle to prevent erosion into the wetlands.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the application for 20 Briar Oak Drive, for a pool as shown on a plan prepared by Robert Sherwood, Landscape Architect, dated 1/07/11, 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 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 (6-0).

PUBLIC HEARING CONT.: PROPOSED AMENDMENTS TO INLAND WETLANDS AND WATERCOURSES REGULATIONS

Tracy Kulikowski, Land Use Director, came forward and stated that she had outlined the changes made at the November 16, 2010 Public Hearing. They have all been incorporated into the document before the Commissioners for review. Discussion ensued regarding suggestions by Town Attorney, Pat Sullivan, including the definition of "Agent" and why the word "Stump" was added to the definitions. Discussion continued. Bob Turner brought discussion to the issue of the applicant "certifying" the application and various other issues regarding language on the application. The Commission decided to take out the language "duly authorized" before Agent in Section 14.4.

Following some additional discussion, the Commission decided to have Tracy make the revisions discussed and continue the hearing to the February meeting.

MOTION

Mr. Schwarz made a motion to continue the public hearing to the meeting on February 15, 2011 and Mr. Rosenberg seconded. All in favor, the motion carried (6-0).

APPROVAL OF MINUTES

Approval of the November 16, 2010 and December 14, 2010 minutes was continued to the February meeting.

MOTION TO ADJOURN

Mr. Schwarz made a motion to adjourn and Mr. Aibel seconded. All in favor, the meeting adjourned at 9:35 p.m.

Respectfully submitted,

Delana Lustberg
Recording Secretary