

MEMBERS PRESENT:

Chairman Ed Schwarz, Tom Failla, Jed Ferdinand, Howard Aibel, David Rosenberg and Cathy Minter

Meeting on tapes dated 2/15/11

Mr. Schwarz opened the February 15th special meeting of the Weston Conservation Commission at 7:35 p.m.

RECEIPT OF APPLICATIONS:

- Philpott, 197 Godfrey Road East - shed

Mr. Anderson reported that the Philpott application had been withdrawn.

WALK DATE

There was no walk date set due to not having any receipt of applications.

DISCUSSION OF APPLICATION: JOSEPH, 10 BROAD STREET, DOCK (BRUCE ECKERSON, LANDSCAPE ARCHITECT)

Mr. Eckerson came forward to discuss the application on behalf of the owners. He explained that their proposal is to replace the dock that they currently have. The owners would like to get the dock out further into the lake, away from the shore into deeper water so they could use kayaks and fish. He indicated the location of the dock on the site plan and noted that the size of the dock would be 18 ft. x 16 ft. Mr. Eckerson further explained that the plan is to reuse the existing dock gangway and resurface it with new decking material. He noted that they would like to have the gangway fixed with 4 pipes, and they plan to reuse 2 pipes. Mr. Eckerson further stated that his experience is that it is dead sand and they do not anticipate hitting ledge and they should be able to do that by hand. The gangway would then lead out to a bigger float that would be removable with hinges to enable them to take the dock out seasonally. In response to a question posed by Mr. Schwarz, Mr. Eckerson indicated that they will be installing silt fencing around the area and all materials will be walked down to the site and the dock will be assembled on site. Mr. Failla questioned how far the dock goes out and Mr. Eckerson explained that the length of the gangway is 44 ft., but some of that is over the embankment. He then indicated the property line on the plan noting that it goes through the pond. Discussion ensued.

Following discussion, Mr. Schwarz asked Mr. Eckerson to draw on the plan where the silt fencing will go.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the application for Joseph, 10 Broad Street for a dock as shown on plans prepared by Wesley Stout Associates and dated 1/11/2011, which were modified

tonight by Bruce Eckerson to add the location of the silt fencing, 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.

Ms. Minter seconded the motion. All in favor, the motion carried (6-0).

DISCUSSION OF APPLICATION: FITZGERALD, 115 GODFREY ROAD EAST,
ADDITION (DESIGN TWO)

Gary Tierney, architect, came forward to present the application on behalf of the owners. He explained that the house is located on the corner of Godfrey and Route 53 and that the house was built in the 1930's and added on to in the 1950's and again in the mid 1990's. He indicated the green line on the plan, which is the zoning setback line, and the existing 1-story garage and carport with a nanny apartment at the back of the garage. Mr. Tierney pointed out the stream at the northwest corner of the property and indicated the location of the wetlands, noting that the entire house falls within the 100 ft. review area. He indicated the location of the existing septic system which was improved with the addition in 1995, and the existing leaching field. Mr. Tierney then explained that they propose to demolish the existing garage and add a 2-bay garage with a family room above which would tie into the existing house with a new entryway and small screened porch, all of which will be within the setback line. He then noted the proposed 25 ft. buffer area shown along the existing stream, and stated that he would work out the details with Fred Anderson in the spring to submit a specific planting plan. Mr. Tierney also indicated the location of the erosion controls and the soil stockpile area, which will be surrounded by additional silt fencing. He then continued to describe the new drainage system and discussion ensued.

During discussion, Mr. Anderson stated that any fill brought onto the property would need to be "certified clean" and he would need to have a destination manifest on the materials removed from the property. Mr. Tierney indicated that they would have no problem with that being a condition of approval.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the application for 115 Godfrey Road East for an addition as shown on plans prepared by Rose, Tiso & Co., dated 10/18/10, revised 1/25/11 and a site plan dated 10/18/10 and revised, 1/17/11, 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 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. In the spring, the applicant is to submit a planting plan for review and approval by the Conservation Planner for plantings in the 25 ft. buffer area.

K. Applicant will need to file a certification that the fill is clean and a destination manifest on the materials removed.

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

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

Tracy Kulikowski, Land Use Coordinator, identified changes made after last meeting. Discussion ensued.

Following discussion, the following motion was made:

MOTION FOR APPROVAL

Mr. Schwarz moved that the Conservation Commission approve the proposed comprehensive amendments to the Inland Wetlands and Watercourses Regulations of the Town of Weston as set forth in the document "Draft Amendments to Inland Wetlands and Watercourses Regulations, Final Draft February 14, 2011", and further amended by the Commission at its February 15, 2011 meeting.

A public hearing was held on the proposed Regulations on November 16, 2010, January 25, 2011 and February 15, 2011. A copy of the proposed Regulations was provided to the Connecticut Department of Environmental Protection.

The reason why the Commission is adopting the proposed comprehensive amendments to existing Inland Wetland and Watercourses Regulations, dated December 15, 1999, is to bring the Regulations into conformance with the Inland Wetlands and Watercourses Act, Connecticut General Statutes, Sections 22a-36 through 22a-45. The proposed Regulations are based on the Connecticut Department of Environmental Protection's Inland Wetlands and Watercourses Model Municipal Regulations, Fourth Edition, May 1, 2006 and the "Legislation and Regulations Advisory" documents issued by the DEP since 2006.

The effective date of the new Inland Wetland and Watercourses Regulations is March 16, 2011.

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

MOTION TO ENTER EXECUTIVE SESSION

Mr. Schwarz made a motion to enter executive session to discuss pending litigation and Mr. Rosenberg seconded. All in favor (6-0), the Commission entered executive session at 8:30 p.m.

MOTION TO RE-ENTER REGULAR SESSION

Mr. Failla made a motion to re-enter the regular session and Mr. Ferdinand seconded. All in favor (6-0) the Commission resumed the regular session at 8:45 p.m.

The Commission then made the following motion:

MOTION

Mr. Failla made a motion to direct the Chairman to write a letter to Mrs. Sarfraz and the attorney of record in the matter of Sarfraz vs. Town of Weston, notifying them that the Court has remanded the matter back to the Commission and that the order to remove all the fill from the property remains in full force and effect. Mr. Schwarz seconded the motion. All in favor, the motion carried (6-0).

APPROVAL OF MINUTES

Mr. Schwarz made a motion to approve the minutes from the November 16, 2010, December 14, 2010, and January 25, 2011 meetings and Mr. Ferdinand seconded. All in favor, the motion carried (6-0).

MOTION TO ADJOURN

Mr. Schwarz made a motion to adjourn and Mr. Ferdinand seconded. All in favor, the meeting adjourned at 8:57 p.m.

Respectfully submitted,

Delana Lustberg
Recording Secretary