

MEMBERS PRESENT:

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

Meeting on tapes dated 3/15/11

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

WALK DATE

The walk date was set for Saturday, April 9, 2011. The Commissioners will meet at Town Hall at 8:00 a.m.

RECEIPT OF APPLICATIONS:

- Lane, 200 Steephill Road, discharge of treated water to Jennings Brook in conjunction with DEP
- Babivskiy, Lot J, Old Mill & Newtown Turnpike, new house
- Imber, Legow, 6 Glenwood, Spa, Total Pool & Spa
- Morledge, 44 Old Mill Road, 2nd story on existing house (Miller)

Mr. Anderson reported that the Lane application was appropriate for receipt.

MOTION FOR RECEIPT

Mr. Aibel made a motion to receive the application of Lane, 200 Steephill Road, and Mr. Rosenberg seconded. All in favor, the motion carried (6-0).

Mr. Anderson reported that the Babivskiy application was appropriate for receipt and would be also be discussed.

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Babivskiy, Lot J, Old Mill & Newtown Turnpike, and Mr. Aibel seconded. All in favor, the motion carried (6-0).

Mr. Anderson reported that the Imber, Legow application was appropriate for receipt.

MOTION FOR RECEIPT

Mr. Aibel made a motion to receive the application if Imber, Legow, 6 Glenwood, and Mr. Rosenberg seconded. All in favor, the motion carried (6-0).

Mr. Anderson reported that the Morledge application was appropriate for receipt.

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the Morledge application, 44 Old Mill Road, and Mr. Aibel seconded. All in favor, the motion carried (6-0).

DISCUSSION OF APPLICATION: LANE, 200 STEEPHILL, DISCHARGE OF TREATED WATER TO JENNINGS BROOK IN CONJUNCTION WITH DEP

Mr. Anderson explained that this application is necessitated because there is 900 gallons of home heating oil that can't be accounted for from 2009.

Martha Lemon, engineer, from Zuvic, Carr & Associates, came forward and stated that her firm was retained by State Farm Insurance Company to investigate and clean up the fuel oil release. She explained that in 2009, the owners had a routine oil fill and woke up to no hot water. They discovered that 1,000 gallons of heating oil had leaked out of the oil tank, which they had pulled out and now is located in the residence. She further noted that they removed 110 tons of contaminated soil and 30 gallons of oil was removed by vacuum. A certified hazardous materials manager has done borings around the property and identified the pathway the oil is taking. Ms. Lemon noted that they have another permit submitted to the DEP to do oxidation for the oil that went under the house. There are also two bedrock monitor wells, one in the driveway and one on the side of the house, 15 ft. away from the original tank and it took 9 months to find petroleum contamination halfway up the driveway.

Ms. Lemon then explained that they need two permits from the DEP, and this discussion is on the discharge permit to treat and discharge the treated effluent to a discharge body. They are trying to use a pump and treat system to mitigate and contain the plume so as not to impact any neighbors' drinking water. She explained how the permit process works and noted that municipalities usually defer to the state in these circumstances. Mr. Anderson noted that in his discussions with the DEP, they stated that a lot of local commissions would leave the matter in the hand of the DEP, but the Conservation Commission has authority to review and make a decision on the proposal. Ms. Lemon noted that time is of the essence because of the neighboring potable water. Discussion ensued.

Following discussion, a motion was made:

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the application for Lane, 200 Steep Hill Road, for discharge of treated water to Jennings Brook as shown on a site plan prepared by Zuvic, Carr & Associates, Inc. dated 2/9/11, along with the permit application made to the DEP and received by the Conservation Planner on 2/22/11. Mr. Rosenberg seconded the motion. All in favor, the motion carried (6-0).

DISCUSSION OF APPLICATION: BABIVSKIY, LOT J, OLD MILL & NEWTOWN TURNPIKE, NEW HOUSE

Joseph Badinger, P.E., and Todd Ritchie, P.E., from BMG Engineering, came forward to present the application. Mr. Badinger submitted drawings based on a different design approach from the original proposal. The location was not changed, but the concept was changed because they were originally using fill and also using a septic system which was designed to be placed in fill.

He noted that there was an argument that the design presents problems with potential flooding, so they have re-designed the septic system to comply with the area and have received approval from Westport/Weston Health District. Mr. Badinger then described the changes and indicated the trees to be removed and where the new trees are proposed to be planted. Mr. Schwarz questioned how far from the wetland they were and Mr. Anderson noted it was 30-40 feet. He then noted that he was out at the property on March 7th and March 11th and submitted, for the record, photos he took so that the Commissioners could see the conditions during a heavy rain storm. Discussion ensued.

Mr. Badinger then stated that they are not going to be bringing any soil in and they are not changing the grade. There will be no basement; they are designing the house so that the water flow runs under the house. Mr. Ritchie pointed out the possibility of a swail and Mr. Schwarz asked them to describe how the house would affect the flow or the wetlands. Mr. Ritchie explained that they propose a rain garden in the depressed area to handle the runoff. Ms. Minter questioned how they planned to dig the septic system and how they planned to get to that area with machinery and manage to protect the area? Mr. Badinger explained that they will have wooden logs placed during construction. Mr. Anderson proposed that they use corduroy.

Mr. Ritchie then explained that the original plan called for a lot of fill which could cause significant flooding challenges and they would have to go to before FEMA. He noted that the use of the property will change from undeveloped to developed, but once established, the house will have passive impacts. They can put a restriction on fertilizers and herbicides applied to the lawn areas, the house will be on piers and everything around it will be unchanged.

Ms. Minter then asked them to describe how they plan to create the rain garden and how it will function. Discussion ensued.

Following discussion, Mr. Schwarz suggested that they continue the discussion to the next meeting to give time for the Commission's expert meet with the applicant to come up with a detailed construction sequencing plan, septic line and planting plan. The discussion was continued to the April 12, 2011 meeting.

APPROVAL OF MINUTES

Mr. Schwarz made a motion to approve the minutes from the February 15, 2011 meeting and Ms. Minter 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 8:56 p.m.

Respectfully submitted,

Delana Lustberg
Recording Secretary