

MEMBERS PRESENT:

Chairman Ed Schwarz, Jed Ferdinand, Howard Aibel, Cathy Minter and Tom Failla (7:54)

Meeting on tapes dated 4/12/11

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Mr. Schwarz opened the April 12<sup>th</sup> regular meeting of the Weston Conservation Commission at 7:37 p.m.

WALK DATE

The walk date was set for Saturday, May 7, 2011. The Commissioners will meet at Town Hall at 8:00 a.m.

RECEIPT OF APPLICATIONS:

- Mandel, 3 Saw Mill Road, Additions (Mark Crowther)
- Dawkins, 207 Godfrey Road E., pool & patio (R.I. Pools)
- McDonald, 103 Goodhill Rd. – spa, fireplace, barbeque, patio, retaining wall (R.I. Pools)

Mr. Anderson reported that the Mandel, Dawkins and McDonald applications were all appropriate for receipt.

MOTION FOR RECEIPT

Mr. Aibel made a motion to receive the application of Mandel, 3 Saw Mill Road and Mr. Schwarz seconded. All in favor, the motion carried (4-0).

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Dawkins, 207 Godfrey Road E., and Ms. Minter seconded. All in favor, the motion carried (4-0).

MOTION FOR RECEIPT

Mr. Aibel made a motion to receive the application of McDonald, 103 Goodhill Rd. and Mr. Schwarz seconded. All in favor, the motion carried (4-0).

PERMISSION TO ISSUE ADMINISTRATIVE REVIEW PERMIT: FERRARA, 67 LYONS PLAIN, PROPANE TANK

Mr. Anderson came forward and presented pictures showing where the tank will go and noted that it will be a buried tank. He also stated that the installation of the propane tank is all that is proposed now. Mr. Schwarz indicated concern that the Commission would be approving a piecemeal pool plan and that if the tank were just for the house, they would be putting it closer to the house.

Mr. Failla joined the meeting at 7:54 p.m.

Mr. Failla questioned how big the tank was and Mr. Anderson stated that it was a 500 gallon tank and then asked the Commissioners for their thoughts. Discussion ensued.

Following discussion, Mr. Failla commented that the propane tank proposal looks like a part of a bigger plan and the Commission should get more information.

MOTION:

Mr. Failla made a motion to deny the request for Administrative Review and Mr. Ferdinand seconded. The motion carried (4-0 – 1 abstain [Aibel]).

DISCUSSION OF APPLICATION: IMBER, LEGOW, 6 GLENWOOD, SPA (TOTAL POOL & SPA)

Tom Santella, from Total Pool & Spa came forward to discuss the application. He explained that they propose a smaller free-form hot tub, close to the house on the higher, level side away from grade changes, but that it was still within the 100 ft. setback. He noted that they marked the area with stakes, and a couple trees would need to come down, but they are small trees, and it is as close as they can get to the septic system. Mr. Santella then showed the Commissioners the plans noting the erosion controls and planting plan. He also noted that the access for the construction vehicles is right at the driveway. Mr. Failla suggested that they have hay bales just over the top of the slope and then discussion of the planting plan ensued. Following discussion, the Commission held the matter over while Mr. Santella and Mr. Anderson went to revise the planting plan.

DISCUSSION OF APPLICATION: MORLEDGE, 44 OLD MILL ROAD, 2<sup>ND</sup> STORY ON EXISTING HOUSE

Pat Miller, representing the owners, came forward to discuss the proposal. She stated that they are asking to build a second story on an existing dwelling, making a Cape style house into a 2-story Colonial. She noted that there would be no excavation and that they would be staying within the existing footprint, except for a cantilever in the rear over an existing deck. Mr. Failla questioned where the runoff from the roof was proposed to go and Ms. Miller explained that they had planned to bring the leaders to daylight and tie into pipes underground. Discussion ensued.

Following discussion, the Commission decided that they needed more information to make a decision on this application and the matter was continued to the next scheduled meeting.

CONT. DISCUSSION: IMBER, LEGOW, 6 GLENWOOD

Mr. Santella and Mr. Anderson returned with revised plans which indicated the location of the silt fence, the equipment area, and the proposed propane tank, if necessary.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the application for 6 Glenwood as show on plans prepared by Stonebridge Associates and dated 2/10/11, with handwritten changes noted on the plans, 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 final plan will be submitted to the Conservation Planner within 10 days showing, to scale, the propane tank, heater and filtration equipment. It is noted that it is up to the applicant to decide which method of heating is to be used.

K. After the initial excavation and construction, the silt fence will be located so that the planting can be done as shown on a final planting plan which is to be submitted to the Conservation Planner for approval.

Ms. Minter seconded the motion, All in favor, the motion carried (5-0).

DISCUSSION OF APPLICATION: BABIVSKY, LOT J, OLD MILL & NEWTOWN  
TURNPIKE, NEW HOUSE (THE COMMISSION WALKED THIS SITE ON NOVEMBER 13,  
2010 FOR THE PREVIOUS APPLICATION WHICH WAS WITHDRAWN)

Joseph Badinger, representing the applicant, came forward to discuss the proposal and submitted a copy of the permit from the Health District for the septic and well. Mr. Badinger noted that they have addressed the general construction concerns, based on suggestions by the Commission, and rerouted the main septic line to keep the tree line. They will not be cutting any trees in the wetland area. Mr. Badinger also indicated a proposed conservation easement and noted that they have relocated the soil stockpile to an area beyond the 100 year flood line. He then indicated the location of a proposed rain garden.

He then introduced Matthew Popp from Environmental Land Solutions, who noted that he was retained to do the wetland mitigation plan, which includes the rain garden. He explained that it will be located behind the house and would be slightly larger than 1,500 sq. ft. and would be 12 inches deep. Discussion ensued.

Mr. Popp then addressed the wetland crossing for the proposed septic system, noting again that they would not be removing trees and the work would be done with a mini-loader and then replanted with native plants. He indicated a buffer area which would be enhanced with a number of trees and shrubs.

Todd Ritchie, consultant for the Commission, then asked the applicants to discuss the proposed conservation easement. Mr. Badinger located the area on the plan and discussion ensued. Mr. Schwarz expressed concern about a lawn area and asked Mr. Ritchie for his opinion on how the house would affect the wetlands. Following additional discussion, the Commission indicated that while this plan was better, they would still need additional information on the plan and the proposed conservation easement to make a decision on this application. The matter was continued to the next meeting.

Mr. Ferdinand left the meeting at 9:40 p.m.

APPROVAL OF MINUTES

Mr. Schwarz made a motion to approve the minutes from the March 16, 2011 meeting and Ms. Minter seconded. All in favor, the motion carried (4-0).

MOTION TO ADJOURN

Mr. Aibel made a motion to adjourn the meeting and Mr. Schwarz seconded. All in favor, the meeting adjourned at 9:45 p.m.

Respectfully submitted,

Delana Lustberg  
Recording Secretary