

MEMBERS PRESENT:

Chairman Ed Schwarz, Howard Aibel, Tom Failla, Robert Turner and Cathy Minter

Meeting on tapes dated 5/17/11

Mr. Schwarz opened the May 17th 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:

- Ritzzo, 46 Steephill Road – drainage (Romano)
- Joseph, 10 Broad Street, stone wall (Wesley Stout Assoc.)
- Cass, 44 Wildwood Lane, addition to existing house
- Gregory, 7 Farrell Road, replace existing septic
- Ferrara, 67 Lyons Plain Road, pool

Mr. Anderson reported that the Ritzzo, Joseph, Cass, Gregory and Ferrara applications were all appropriate for receipt.

MOTION FOR RECEIPT

Mr. Failla made a motion to receive the application of Ritzzo, 46 Steephill Road and Mr. Schwarz seconded. All in favor, the motion carried (5-0).

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 (5-0).

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Cass, 44 Wildwood Lane and Mr. Failla seconded. All in favor, the motion carried (5-0).

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Gregory, 7 Farrell Road and Ms. Minter seconded. All in favor, the motion carried (5-0).

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Ferrara, 67 Lyons Plain Road and Ms. Minter seconded. All in favor, the motion carried (5-0).

MODIFICATION: CUOMO, 47 SALEM ROAD, RENOVATION

Mr. Cuomo, owner, came forward and explained that this was a modification to a previously approved application. Instead of moving a bump-out, they have decided to stay with the original footprint of the house and go up. They will not be disturbing anything on the wetlands side of the house. He presented the plans for the Commission to review and Mr. Failla commented that the modification will have less of an impact. In response to a question posed by Mr. Schwarz, Mr. Cuomo stated that they will be putting up silt fencing, hay bales around the driveway and traction pads for machinery to protect the river behind the house. Mr. Failla asked how the roof runoff would be handled and Mr. Cuomo indicated that drywells are part of the modification. Mr. Failla explained that the Commission would need to see that on the plans and also the calculations that it would be sufficient to handle the runoff.

Following discussion, the matter was continued to the next meeting in order to get a plan for vegetative buffer, construction sequencing and the location of drainage controls indicated on the plans.

DISCUSSION OF APPLICATION CONT.: MORLEDGE, 44 OLD MILL ROAD

Pat Miller and Joe Morledge, owner, came forward and presented the construction sequence and calculations for the proposed Cultek system. Ms. Miller noted that the plans were color-coded to indicate the locations of the existing drainage systems and the locations of the proposed new systems. She also presented a plan for a proposed rain garden as "Plan B" and discussion ensued.

MOTION FOR APPROVAL

Mr. Aibel made a motion to approve the application for 44 Old Mill Road as shown on plans prepared by BJ Root Surveyor, LLC, dated 3/25/10, and on a construction sequence dated by the Commission 5/17/11, Cultek plans dated 4/28/11, and a planting schedule for a rain garden dated by the Commission 5/17/11, 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.

Mr. Failla seconded the motion, All in favor, the motion carried (5-0).

DISCUSSION OF APPLICATION CONT.: 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)

John McCoy, P.E. from JFM Engineering came forward to present plans noting that he has taken over the primary design and is now the manager of this project. He stated that he has refined the existing proposed plan to work with the flood plane issues. He explained that the house is in the same location, but shifted a little to the north to compensate for eaves. The majority of the house will sit on piers with only the garage not on piers and the driveway was refined for better control. Mr. McCoy indicated the new flood way line and relocated the rain garden in order to stay out of the floodway with roof leaders from the house into the rain garden. They also changed the septic crossing a little to avoid bends in line. Mr. McCoy pointed out the conservation easement shown on the plans in green and noted that it gets no closer that 5 ft. to floodway line and there will be a boulder demarcation line. Todd Ritchie, P.E, noted that, originally, the rain garden was sized for a 100 yr. storm and excavated into the existing grade and he would feel better with it being as presented before. Discussion ensued.

Mr. Failla asked for discussion on the wetland crossing and Mr. McCoy described how the construction would be done for the trench for the septic. Matt Popp, L.E. explained that those soils are more peat and inorganic and then described the demarcation line with boulders set in the ground. Discussion then turned to the proposed conservation easement.

Mr. Anderson then stated that he would recommend bonds for the sediment and erosion controls and for the plantings. He also would like the as-builts for the foundation and the first floor and discussion ensued regarding the bond amounts.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the application for Babivsky, as shown on plans prepared by JFM Engineering, dated , 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. Record of permanent limit of disturbance line and option for conservation easement for the homeowner.

K. Any excess fill material must be disposed of off site;

L. The lawn area is to maintained as shown on the plans.

M. A performance bond, for a period of two growing years for the plantings, in the amount of \$5,000.

N. A performance bond for the sediment and erosion controls in the amount of \$5,000 which will be only be removed by the Conservation Planner after three cuttings of the lawn.

O. The permitted limit of disturbance line will be filed on the Weston Land Records.

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

DISCUSSION OF APPLICATION: MANDEL, 3 SAW MILL, ADDITIONS

Mark Crowther, builder, representing the owners, came forward and presented the plans and explained the proposal. He also presented a construction sequencing and Bill Kenney's soil report for the Commissioners to review.

MOTION FOR APPROVAL

Ms. Minter made a motion to approve the application of Mandel as shown on plans prepared by Leonard Surveyors dated 4/5/11 and revised 4/27/11; a construction sequence prepared by AMS Septic dated 5/9/11; a construction sequence prepared by Kerigan's dated 5/17/11; and a soil report prepared by Wm Kenney and dated 5/11/11, 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.

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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 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.

Mr. Aibel seconded the motion. All in favor, the motion carried (5-0).

DISCUSSION OF APPLICATION: MCDONALD, 103 GOODHILL, SPA FIREPLACE

Franco Iannone, from RI Pools, came forward representing the owners. He presented the plans and noted that the spa is smaller at 9 feet diameter instead of 13 feet. He also presented the planting plan for the Commissioners to review.

MOTION FOR APPROVAL:

Mr. Schwarz made a motion to approve the application of McDonald, as shown on plans prepared by Paul Brautignam, dated 7/2/07 and revised 4/8/11 and on a planting plan prepared by Joan Rothenbucher dated 4/17/11, 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'

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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 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.

Mr. Aibel seconded the motion. All in favor, the motion carried (5-0).

DISCUSSION OF APPLICATION: DAWKINS, 207 GODFREY ROAD E., POOL AND PATIO

Franco Iannone, from RI Pools, representing the owners, came forward and presented the plans and a construction sequence. Mr. Anderson noted that he did not see that there was any limit of disturbance associated with the prior approval. Mr. Failla noted that there was a vegetative planting plan that was to be implemented from the last application along the wetlands edge and it should be a condition of approval. Discussion ensued.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the application of Dawkins, 207 Godfrey Road E. as shown on plans prepared by Walter Skidd Land Surveyor, LLC dated 4/4/11 and revised 5/11/11, together with the previous planting plan which was received by the Conservation Commission on 10/3/06 for the previous owner, Drabcznski, and prepared by Divesta, 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.

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

DISCUSSION: RYAN: 13 BERNHARD DRIVE AND LYNCH, 15 BERNHARD DRIVE

Mr. Turner recused himself from discussion on this matter. Tom Failla left the meeting prior to discussion.

Mrs. Lynch and Mrs. Ryan came forward to discuss. Mrs. Lynch stated that they were here because there is water being directed onto her property as a result of the building of the Ryan's house. It is surface water coming out of a pipe that pours water onto Mrs. Lynch's property. Mrs. Lynch stated that it is also not certain whether or not the pipe is on the Ryan's or her property. Mrs. Ryan stated that they dispute that and are certain that the pipe is on her property based on their survey. Mr. Schwarz then asked why it would be the Conservation Commission's responsibility to determine where the property line is and discussion ensued. Mrs. Ryan then read a prepared statement. Mr. Aibel then asked whether any of this had Conservation issues and Mr. Schwarz suggested that the neighbors sit down and work out their issues and if it cannot be done that way then one of them would have to file a formal application with the Commission.

APPROVAL OF MINUTES

Approval of minutes was continued as there was not a quorum at the end of the meeting.

MOTION TO ADJOURN

Mr. Aibel made a motion to adjourn the meeting and Ms. Minter seconded. All in favor, the meeting adjourned at 10:15 p.m.

Respectfully submitted,

Delana Lustberg
Recording Secretary