

MEMBERS PRESENT:

Chairman Ed Schwarz, Tom Failla, Cathy Minter and Chris Spaulding

Meeting on tapes dated 11/17/11

Mr. Schwarz opened the November 17th regular meeting of the Weston Conservation Commission at 7:32 p.m.

WALK DATE

The walk date was set for Saturday, December 3, 2011. The Commissioners will meet at Town Hall at 8:00 a.m.

RECEIPT OF APPLICATIONS:

- Chopin, 35 Godfrey Road West, pond restoration, outlet structure leaks repaired, lawn area re-contoured, seeded & mulched
- Kruse, 91 Eleven O'Clock, generator, pad, trenching
- Dawkins, 207 Godfrey Road, generator & propane tank

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Chopin, 35 Godfrey Road West and Mr. Spaulding seconded. All in favor, the motion carried (4-0).

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Kruse, 91 Eleven O'Clock and Ms. Minter 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, and Mr. Spaulding seconded. All in favor, the motion carried (4-0).

DISCUSSION OF APPLICATION CONT.: HALPIN, 14 ARLEN ROAD, LANDSCAPING

Ms. Halpin came forward and presented a soil scientist report from Land-Tech Consultants for the Commissioners to review. Ms. Minter questioned what plants were to be planted. Mr. Schwarz commented that the planting and fill are not going into the wetlands according to the plan. Ms. Halpin noted that the fill is coming from Advanced Organics out of New Milford. Mr. Failla expressed concern regarding the soil scientist's report. Discussion ensued regarding the limit of disturbance.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the application for Halpin, 14 Arlen Road, as shown on a plan prepared by Stonebridge Associates, dated 10/22/11, 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. A line of non-disturbance was indicated on the plan and signed and dated tonight from the rock wall to the fence.

Mr. Spaulding seconded the motion, All in favor, the motion carried (4-0).

DISCUSSION OF APPLICATION: DIDONATO, 12 CINDY LANE, SITE DEVELOPMENT

Mr. DiDonato came forward and presented the plans and indicated the location of the wetlands. Ms. Minter commented that there appears to be fresh soil in between the driveway and the wetlands, which is something that the Commission would not have agreed to. She also noted that below that hillside there are chunks of rock instead of plantings to keep the soil out of the wetlands, but it is not keeping anything out. She further noted that work needed to have been permitted. Mr. DiDonato stated that they did not have any fill brought in, they have done some clean-up work and put grass seed. Discussion ensued.

Mr. DiDonato then described the project explaining that it involves a partial 2nd floor addition and the footprint will change with an addition to the front and side porch. Ms. Minter then questioned how the runoff from the additional roof area was going to be handled. Mr. DiDonato stated that they would probably have a dry well. Mr. Failla then explained that they need to come back with more detail on how that runoff will be handled and how they were going to address the stabilizing of the area next to the garage. He suggested that Mr. DiDonato get additional information from an engineer to address these issues. After some additional discussion, the matter was continued to the December meeting.

After Mr. Anderson's administrative report on the Delaney application, neighbors spoke up, not realizing that they were able to comment.

Cindy Grater, 2 Cindy Lane, came forward stating that she lives next door and that the road Cindy Lane is actually named after her. Her father was the one that put the road in. She explained that Mr. DiDonato had a huge gaping hole next to the phone pole next to her property line. There was a whole section that had been dug up and then filled in. She stated it was not on the garage side, it was up against the road. She also noted that there have been a lot of trees cut down as well.

Margarita Shapiro, Cannondale Road, came forward and stated her property abuts this one and just wanted to know what was going on at the property because she noticed there were a lot of trees being taken down. She also expressed concern about the large hole that was dug and filled.

DISCUSSION OF APPLICATION: SAWYER, 69 NORFIELD ROAD, PROPOSED TREES (ROBERT FRANZEN)

Robert Avery, landscape architect with Franzen & Associates and Eileen Sawyer came forward to discuss the proposal. Mr. Avery stated that they propose to plant golden weeping willow trees in the wetland area instead of hemlocks, which would create a more natural look. Ms. Minter noted that they would also suck up more water. Mr. Failla noted that the farmers used to plant willows in the fields to dry up the wetlands and questioned whether that was the intent here. Mr. Schwarz questioned what the effect would be on the wetlands and Mr. Avery stated that he did not think there would be an adverse effect on the wetlands. Mr. Failla then asked Mr. Avery what other visual impact trees could be planted there that would be more harmonious with wetlands. Discussion ensued.

Jane Wiley, 81 Norfield Road, neighbor, came forward and stated that there is a lot of water coming down from the Sawyer property and would not be opposed to having willows taking up some of the water.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the landscape plan as shown on a map prepared by J.P. Franzen & Associates dated 10/11/11 and revised 10/18/11, modified as signed and dated today, 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. The planting will be coordinated with the Conservation Planner to ensure that there are no adverse effects on the wetlands.

Ms. Minter seconded the motion. All in favor, the motion carried (4-0).

ADMINISTRATIVE REPORT: DELANEY, 17 WOOD HILL, ADDITION (JOSH GLASS)

Mr. Anderson reported that the soil and erosion controls are in place and the foundation is in progress. The Cultek is not in place yet, and they will start framing in two weeks. All is in place and moving along nicely.

DISCUSSION OF APPLICATION CONT.: SHUBBER, 7 SMITH RIDGE, POOL & SITE WORK, GEO-THERMAL HEATING & AIR CONDITIONING, GENERATOR & PROPANE TANK AND MODIFIED SEPTIC

Dhiaa Shubber, owner, came forward and stated that he has not given the Commission's engineer a check yet because he wants an indemnification from the engineer. Mr. Failla noted that there is a \$25,000 check from Mr. Shubber that was submitted to the Land Use Coordinator but has not been deposited yet. Mr. Shubber noted that all work has ceased but the interior can be damaged if he doesn't get heat into the house. There is a geothermal system for the heat that needs wells dug and the work would take 4-5 days. He indicated the location on the plan. Mr. Failla noted that they could receive the geothermal portion of the application tonight and hear it next month. Discussion ensued.

Following discussion, the Commission told Mr. Shubber that they will not review the application until the engineer looks at the plans. Mr. Shubber stated that he will give the engineer the check. Mr. Failla also noted that he needs to file an extension request because the time limit has expired.

MOTION

Mr. Failla made a motion to receive the geothermal portion of the application and Mr. Spaulding seconded. All in favor, the motion carried (4-0).

APPROVAL OF MINUTES

Mr. Schwarz made a motion to approve the October 20, 2011 minutes and Ms. Minter seconded. All in favor, the motion carried (4-0).

MOTION TO ADJOURN

Mr. Failla made a motion to adjourn the meeting and Mr. Spaulding seconded. All in favor, the meeting adjourned at 9:21 p.m.

Respectfully submitted,

Delana Lustberg
Recording Secretary