

MEMBERS PRESENT:

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

Meeting on tapes dated 12/15/11

Mr. Schwarz opened the December 15th regular meeting of the Weston Conservation Commission at 7:32 p.m.

SET WALK DATE

The walk date was set for Saturday, January 7, 2012. The Commission will meet at the Town Hall at 8:00 a.m.

RECEIPT OF APPLICATIONS:

- Kurtz, 107 Lords Highway, generator, relocate stone wall
- Cools, 9 Laurel Lake West, generator, pad, trench & propane
- Dyson, 19 Upper Parish, emergency septic repair
- Kannon, 21 Ten O'Clock, generator, trenching, propane tank
- Brandstrom, 26 Norfield Road, clear cutting, fill and re-grading (Allard)
- Cusak, 39 Ridge Road, new septic system (Grumman Engineering)

KURTZ, 107 LORDS HIGHWAY:

Fred Anderson noted that they have to move a short stone wall to accommodate the generator and although it is only 15 ft. to the wetland, he would like to handle administratively. There is no additional filling, the wall will be done by hand, and the pad will be dug and poured by hand. The owner noted that they have natural gas and won't need to do any trenching.

MOTION FOR ADMINISTRATIVE REVIEW:

Mr. Schwarz made a motion to direct the Conservation Planner to handle administratively and Mr. Aibel seconded. All in favor, the motion carried (6-0).

COOLS, 9 LAUREL LAKE WEST

Mr. Anderson reported that the application was not ready for receipt.

DYSON, 19 UPPER PARISH

Mr. Anderson reported that the application was ready to be received but he had received a letter from the Westport/Weston Health District requesting that the Commission hear the matter as an emergency. Debbie Dyson, owner, came forward and stated that their system is not working properly and sewage is starting to seep out of the ground. The system needs to be replaced and they have had a contractor come out to map out the location of the primary and reserve fields.

MOTION FOR APPROVAL:

Mr. Schwarz made a motion to approve the replacement of the septic system as an emergency application as shown on plans prepared by Paul Lauderbach, Lauderbach, Inc. dated 11/17/11, 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. The Conservation Planner is to confer with the contractor and ensure that there is a construction sequencing submitted, erosion siltation controls, and to confirm where the fill that is removed will be going.

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

KANNON, 21 TEN O'CLOCK

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

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Kannon, 21 Ten O'Clock and Mr. Spaulding seconded. All in favor, the motion carried (6-0).

BRANDSTROM, 26 NORFIELD ROAD

Mr. Anderson reported that the Brandstrom application was appropriate for receipt. He also noted that P&Z has placed a Cease & Desist Order on the property so it is not necessary for the Commission to do so.

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Brandstrom, 26 Norfield Road and Ms. Minter seconded. All in favor, the motion carried (6-0).

CUSAK, 39 RIDGE ROAD

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

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Cusak, 39 Ridge Road, and Mr. Spaulding seconded. All in favor, the motion carried (6-0).

DISCUSSION OF APPLICATION CONT: SHUBBER, 7 SMITH RIDGE, POOL & SITE WORK, GEO-THERMAL HEARING & AIR CONDITIONG, GENERATOR & PROPANE MODIFICATION OF APPLICATION: SAWYER, 69 NORFIELD ROAD, PROPOSED TREES (ROBERT FRANZEN)

Todd Ritchie, GHD Engineers, the Conservation Commission's engineer and Dhiaa Shubber, owner, came forward to discuss. Mr. Ritchie explained that after the site walk last week and based on his review of the approved plan, there has obviously been a significant amount of filling in areas that were supposed to be preserved as wetland buffers. The front of the property has large boulders and rocks that are not strategically placed, and it looks like the original plan had limited grading and that is not consistent with what is out there now. He further noted that the approved plan from 2006 had expired and Mr. Shubber should have come in with new plan and application for new permit. Mr. Ritchie stated that the filling in the back of the property is in direct wetlands and that issue is up to the Commission. Mr. Failla questioned what it would take to remediate that area and discussion ensued.

Following discussion, Mr. Ritchie recommended that Mr. Shubber hire an environmental engineer to help with the remediation plan. Discussion continued and it was decided that Mr.

Shubber needs to get an environmental engineer to prepare a plan of remediation, which is to be reviewed with Mr. Ritchie and then return to the January meeting for presentation to the Commission. Mr. Failla stressed that there is not to be any work done outside of the house.

DISCUSSION OF APPLICATION: CHOPIN, 35 GODFREY ROAD WEST, POND RESTORATION, OUTLET STRUCTURE LEAKS REPAIRED, LAWN AREA RE-CONTOURED, SEEDED & MULCHED

Gene Nazzaro from Nazzaro, Inc. came forward to discuss the application. He noted that it is an existing pond and they propose to take 200-250 cubic yards of material out of the pond and spread on the lower lawn area. He explained that the process is to intercept the water coming into the pond, de-water and remove the sediment with no plans to enlarge or deepen the pond. He continued to describe the process for the Commissioners. Mr. Failla questioned how deep the pond would be and Mr. Nazzaro stated that it will be 6-6.5 ft. at its deepest point. Discussion ensued.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the application of Chopin, 35 Godfrey Road West, for pond restoration as shown on a plan prepared by Soundview Engineers & Land Surveyors, LLC, dated 7/31/09, signed and dated today by Gene Nazzaro, 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 Conservation Planner and engineer will meet to come up with a plan for a vegetative buffer in the location indicated by Mr. Nazzaro on the plan.

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

DISCUSSION OF APPLICATION CONT: MARSH, 40 VALLEY FORGE, RESTORATION OF STONE DAM

There was no one in attendance to discuss the application. As the time frame has ran out and there has been no letter requesting an extension the following motion was made:

MOTION TO DENY

Mr. Schwarz made a motion to deny the application of Marsh, 40 Valley Forge, without prejudice and Ms. Minter seconded the motion. All in favor, the motion carried (6-0).

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

Mr. DiDonato and Dean Martin, P.E. from Grumman Engineering came forward to discuss the application. Mr. Spaulding asked the Clerk to read from the Minutes of the last meeting, the comments made by the neighbors, which were made after the applicant had already left.

Mr. DiDonato stated that he did do some tree cutting on the property. The Commission reviewed the plans and Mr. Martin indicated the location of the wetlands. Discussion ensued.

Mr. Martin stated that he proposes a better stabilization of the slope with rip wrap protection as well as evergreen plantings at the top of the slope. Mr. Failla stated that there seemed to be a compaction problem in that area and the soil was very soft. Mr. Martin also noted that the disturbed area at the back of the house has been mulched and discussion ensued regarding a vegetative buffer to protect the wetlands from fertilizers from the lawn area. They drew a 5 ft. vegetative buffer on the plan. Mr. Martin then indicated the proposed location of the propane tank noting that it is over 60 ft. from the wetlands and Mr. Schwarz questioned whether they could move it to the other side of the driveway and discussion ensued.

Mr. Martin then described the stormwater management system he proposes for the additions to the house and noted that at some point the owners would like to put a different type of siding on the shed on the property. That shed is located 16 ft. off the wetlands. Mr. Schwarz asked whether there was a construction sequence for the additions and Mr. Martin stated that they would provide that to Mr. Anderson.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the application for DiDonato, 12 Cindy Lane, as shown on plans prepared by Grumman Engineering, dated 11/21/11, 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 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 propane tank indicated in red on the plan, which is within 60 ft. of the wetlands, will be moved to an area that is at least 100 ft. away from any wetlands.

K. The Engineer will submit a construction sequencing to the Conservation Planner and review the erosion controls for the trenching with the Conservation Planner.

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

DISCUSSION OF APPLICATION: WENGEL, 16 HART LANE, GENERATOR, PAD, 3 FOOT TRENCH, PROPANE TANK

Cheryl Wengel, owner, came forward to discuss the application. She explained that the pad will be hand dug and the trenching will be done by hand as well. Mr. Schwarz noted that the outdoor fireplace drains directly into the wetlands and he suggested that they create a drywell to catch and disperse the drainage. Mr. Failla noted that a letter was sent to the Town of Wilton since the property borders Town of Wilton property.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the application for Wengel, 16 Hart Lane for a generator as shown on the plan filed with the Conservation Planner on 12/1/11 indicating location of the generator, 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 (6-0).

ELECTION OF OFFICERS

Mr. Failla nominated Ed Schwarz as Chairman and Mr. Spaulding seconded. All in favor, the motion carried (6-0).

Ms. Minter nominated Tom Failla as Vice-Chairman and Mr. Schwarz seconded. All in favor, the motion carried (6-0).

APPROVAL OF MINUTES

Mr. Failla made a motion to approve the Minutes from the November 17, 2011 meeting and Ms. Minter seconded. All in favor, the motion carried (6-0).

MOTION TO ADJOURN

Mr. Failla made a motion to adjourn the meeting and Mr. Spaulding seconded. All in favor, the meeting adjourned at 9:30 p.m.

Respectfully submitted,

Delana Lustberg
Recording Secretary