

MEMBERS PRESENT:

Chairman Cory Attra, Tom Failla, Joseph Pachman, David Rosenberg and Jed Ferdinand

Meeting on tapes dated 3/20/08

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Chairman Attra opened the March 20<sup>th</sup> regular meeting of the Weston Conservation Commission at 7:35 p.m. and introduced the newest member of the Commission, Jed Ferdinand. Mr. Ferdinand noted that he and his wife and two children have lived in Weston since 1999 and he is a lawyer in Norwalk.

SET WAK DATE:

The walk date was set for April 12, 2008. The Commissioners will meet at Town Hall at 8:00 a.m.

DISCUSSION OF APPLICATION: MODIFICATION TO SEDIMENTATION AND EROSION CONTROLS FOR THE REPLACEMENT OF CARTBRIDGE ROAD BRIDGE

Mr. Attra noted that the Commission had placed a condition on the approval that if the contractors did not arrive to substantial completion by April 15 that they would come back and explain how they would handle spring time increased waterflow.

Tom Landry, Town Administrator, came forward and stated that the contractor will not be out of the river by April 15 although they do have a coffer dam on one side of the river. He noted that there has been a lot of delay centered around a single telephone pole next to the bridge which needs to be moved back towards Lyons Plains Road. The power company is requiring an arial easement from the property owners of 1 and 9 Cartridge Road in order to change the location of the wires running across the river. One has signed, the other has not. Mr. Landry noted that the contractor would like to install turbidity curtains along the extent of the coffer dam to help with increased waterflow.

Mr. Anderson, Conservation Planner, noted that he thinks a turbidity curtain would work if we don't get a lot more rain and further noted that the water hasn't run over the top yet. Discussion ensued and Commissioners asked some questions regarding erosion controls and contingency plans.

During discussion, Mr. Failla asked whether Aquarion had been contacted regarding their ability to control the flow in the river and Mr. Anderson stated that he had spoken with Aquarion and they would have the person who handles that contact him. Discussion continued.

Mr. Anderson then noted that in removing the buttress on the west side, they excavated back into the road portion and have placed rocks to act as barrier. Outside that, they have the remains of the original foundation which has not been taken out. The area is pretty stable and not like some other projects with risk of erosion. Discussion continued.

Following discussion, it was decided that the Conservation Planner would monitor the progress and report back to the Commission.

APPEAL OF ADMINISTRATIVE APPROVAL – 10 TIMOTHY LANE

Mr. Attra began by giving some guidelines on appeals and administrative approvals. Following that, Fred Anderson came forward to explain the application and why he issued an administrative approval.

Mr. Anderson stated that there is a stone wall with wetlands behind and he indicated the location on the plan. He stated that the intent of the homeowner was to relocate the wall as close to the wetland as possible and increase the area for his children to play. Mr. Anderson noted that a neighbor expressed concern that if the wall was moved, it would allow additional water to enter the wetlands and negatively affect her wetlands.

Bart Gutekunst, property owner, came forward and stated that they have just completed an addition on their house and lost some yard so they would like to recapture some yard for their two boys to play. He noted that the wall is a loose stone wall with no foundation or concrete. Mr. Anderson noted that there is developed lawn all the way up to the wall and once you get past the stone wall, there is nothing but woods on the other side. Discussion ensued regarding the distance and buffering of the wetland area and how the wall would be moved.

Following discussion, Sue Ostermueller, 75 Norfield Road, came forward to state her objection. She stated that her property abuts 10 Timothy Lane and she is surrounded by wetlands and that stone wall is in a very wet area. She is concerned that if that area is disturbed, the wetland won't drain well. It doesn't drain well now and she is concerned about the effect that any disturbance to that stone wall would have on her wetlands area. She stated that she would not want that wall disturbed at all. Discussion ensued.

Following discussion, Ms. Ostermueller stated that she would not be opposed to straightening out what is already there. Other than that, she would like that area left alone. Mr. Attra then stated that they need to validate exactly where the wetlands are because he doesn't believe that the two lines are correct. He then asked Ms. Ostermueller to get Fred Anderson a copy of her soil scientist report and map that she had done 6 years ago for renovations to her property. Discussion continued.

Following additional discussion, Mr. Attra noted that he believes that moving the wall would have an impact and any disturbance will be a material disturbance to a wetland. There are not enough facts to determine whether or not there would be significant disturbance.

MOTION TO OVERRULE ADMINISTRATIVE APPROVAL

Mr. Pachman then made a motion to overrule the administrative approval and Mr. Failla seconded. All in favor, the motion carried (5-0).

If the applicant wants to continue with the stone wall or garage, he will need to re-submit an application for receipt and notice which can be handled as an administrative review as long as it meets all the criteria.

OTHER BUSINESS:

Mr. Attra noted that the independent consultant has been selected and they have done a reference check. Discussion ensued regarding the process.

MOTION TO ADJOURN

Hearing no additional business, Mr. Failla made a motion to adjourn the meeting and Mr. Fredinand seconded. All in favor, the motion adjourned at 9:26 p.m.

Respectfully submitted,

Delana Lustberg  
Recording Secretary