

MEMBERS PRESENT:

Chairman Cory Attra, Vice-Chairman Ed Schwartz, Joseph Pachman, Jed Ferdinand, Howard Aibel (7:40) and David Rosenberg (8:07)

Meeting on tapes dated 5/15/08

Chairman Attra opened the May 15th regular meeting of the Weston Conservation Commission at 7:35 p.m.

SET WAK DATE:

The walk date was set for June 14, 2008. The Commissioners will meet at Town Hall at 8:00 a.m.

RECEIPT OF APPLICATIONS:

Fred Anderson reported that the following application was appropriate for receipt:

- Beck/Gutekunst, 10 Timothy Road

MOTION TO RECEIVE:

Mr. Pachman made a motion to receive the application of Beck/Gutekunst and Mr. Schwartz seconded. All in favor, the motion carried (4-0).

Howard Aibel arrived at 7:40 p.m.

DISCUSSION OF APPLICATION: NATURE CONSERVANCY – LOW 34 RIVER ROAD – FISH LADDER

Steve Patton came forward on behalf of the Nature Conservancy and passed out a report for the Commissioners to read. In response to a question posed by Mr. Attra, he explained that the structure would be built out of White Oak and it would not be pressure treated giving it a 10-year life. Mr. Attra brought discussion to the boulder dam and questioned what happens if the dam is not maintained. Mr. Patton explained that the owners of the property would be responsible for maintaining the dam, they are not required to, but eventually the dam could break down and fish passage would be necessary. If it gets to a state where neither the fish ladder nor the dam function as suitable passage for fish, the Conservancy would probably contact the landowner and work with them to come up with a solution. Mr. Patton further noted that they would prefer to remove the dam, but since they don't own the dam, they can't remove it, it is up to the landowner. He explained that the purpose of the fish ladder is to provide an alternate route for fish to move up and down the stream. He also noted that with the work they have been doing, they think that there is a good chance that they can restore the fish runs all the way up to Devil's Glen on the Saugatuck and to at least the reservoir in the Aspetuck River. Discussion ensued and Mr. Patton described other fish ladder projects in the area.

Mr. Attra then asked Mr. Patton if he expected to come back to the Commission in the future with other fish ladders elsewhere and Mr. Patton replied that they would. Mr. Attra then suggested that rather than coming back every time, maybe just make the process an administrative review. Mr. Patton thought that larger dams may be more involved and it could be left to the discretion of the Conservation Planner whether it warranted full review by the Commission. Mr. Pachman questioned who would be monitoring the erosion controls and Mr. Patton explained that the Conservancy will monitor the work. Mr. Attra suggested that the site plan with sedimentation and erosion controls be submitted prior to construction. Mr. Ferdinand then asked Mr. Patton to state on the record who would be responsible for monitoring the fish ladders and Mr. Patton explained that it would be the Conservancy in coordination with the DEP.

MOTION FOR APPROVAL

Mr. Pachman then made a motion to approve the application of the Nature Conservancy for a fish ladder at 34 River Road, 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 will sign off on an erosion control map prior to commencement of the project.

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

DISCUSSION OF APPLICATION: SPRATT BUILDERS, 65 NEWTOWN TURNPIKE

Pete Romano from LandTech came forward to present the application. He presented the plan indicating the location of the rear lot which would utilize the existing driveway that serves the existing house. Mr. Romano explained that they are here due to the location of the house and the installation of a box culvert that will span the wetlands. He then explained their proposal. He noted that they will need to go before Planning & Zoning for subdivision approval and they have Health Department approval for the septic system. Following a question posed by Mr. Pachman, Mr. Romano explained that they have picked the narrowest spot to cross without getting too close to his house. Mr. Romano then noted that they are also proposing a planting plan and indicated the areas where the planting buffers would be located. Discussion then ensued.

Following discussion, Mr. Romano stated that they could probably flip the primary and reserve septic location so that the primary is further away from the wetlands. Discussion continued.

Mr. Rosenberg arrived at 8:07 p.m.

Following discussion, Mr. Romano stated that they can indicate a no disturbance area and can come back and address the issues and concerns of the Commission in that wetland area. Mr. Attra noted that the owner seemed to be doing work at the property and he would need a permit for that work. It was decided that the discussion would be continued at the next meeting and the owner would present an application for the work he has been doing.

DISCUSSION OF APPLICATION: CERTOMA 8 NARROWBROOK POOL/DECK
(TUTTLE)

Tom Tuttle and Mike Certoma came forward to present their application. Mr. Tuttle explained that in 2001 they were before the Commission for approval for some additions on the house. After the additions, their septic system failed and then they had difficulty relocating a new system. It is now on the other side of property. Henry Moeller then came out and re-established the flags for the wetland and Mr. Tuttle presented Mr. Moeller's report for the Commissioner's

review. Mr. Pachman questioned what the soil type was at the proposed location of the pool and Mr. Tuttle noted that all of the area is poorly drained soils. In response to a question posed by Mr. Schwartz, Mr. Tuttle stated that the pool would be 25 feet from the wetland. Mr. Pachman questioned the implications of the water table and Mr. Attra noted that from time to time, the water in the pool will interface with the groundwater. Discussion ensued.

Following discussion, Mr. Tuttle noted that they could stipulate that the pool be oxygenated rather than chlorinated. Mr. Attra stated that he did not see any real risk to the wetlands since the property was mostly fill, but he would need to know the water table. Discussion continued.

MOTION FOR APPROVAL

Mr. Attra made a motion to approve the application for a pool and deck for Certoma, 8 Narrowbrook Road 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.

J. The outer extremes of the pool and deck are as shown on the plot plan dated 6/1/01 prepared by Richard Plain and signed and dated by the Conservation Commission on 5/15/08.

K. There are to be no chemicals used in the treatment of the pool.

L. There is to be a 5 ft. planting buffer along the edge of the wetland as indicated on the plan in red marker, with native, non-invasive species.

M. The 8” pvc pipe will be diverted during construction and maintained at all times throughout construction.

N. The sedimentation and erosion plan is not shown on the plan, but the silt fence will go from the edge of the driveway over by the shed and run around the edge of the wetland up to and around the edge of the building.

O. All staging and de-watering will occur within that work site.

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

APPROVAL OF MINUTES

Mr. Ferdinand made a motion to approve the minutes from the April 17, 2008 meeting and Mr. Rosenberg seconded. All in favor, the motion carried (6-0).

OTHER BUSINESS:

Mr. Anderson brought up the matter of a neighbor who is upset with activity surrounding her property. The neighbors across the street own a field and had asked if they could cut some of the grass in the wetlands so that their children can play safely. Mr. Anderson had told them that it would be alright to mow once a year. Mrs. Ostermueller has been complaining to him with her concerns that any activity will affect the wetlands on her property. Discussion ensued. Mr. Pachman stated that Mr. Anderson should explain to Mrs. Ostermueller that these large scale projects have been done in the past, the impact has been examined and they have determined it to be minimal. The Commissioners decided that it is up to Mrs. Ostermueller to provide evidence that the mowing of the neighbor’s wetlands is having an affect on the wetlands on her property. Mr. Aibel suggested that she send in a letter indicating her concerns.

Mr. Attra then brought discussion to the updating of the Conservation regulations after the consultant is on board. He suggested that be done concurrent with the updating of the "Daminsky Report".

MOTION TO ADJOURN

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

Respectfully submitted,

Delana Lustberg
Recording Secretary