

MEMBERS PRESENT:

Chairman Cory Attra, Vice-Chairman Ed Schwartz, Tom Failla, Howard Aibel and Joseph Pachman

Meeting on tapes dated 6/19/08

Chairman Attra opened the June 19th regular meeting of the Weston Conservation Commission at 7:35 p.m.

SET WAK DATE:

The walk date was set for July 12, 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:

- Konheim, 52 Valley Forge, new house (LandTech)

Mr. Attra noted that the Bermudez application was not ready to be received and that Levine, Smith Sub., 75 Lords Highway was just a modification and could be handled administratively

MOTION TO RECEIVE:

Mr. Failla made a motion to receive the application of Konheim, 52 Valley Forge and Mr. Schwartz seconded. All in favor, the motion carried (4-0).

DISCUSSION OF APPLICATION: BECK/GUTEKUNST 10 TIMOTHY ROAD – 3RD BAY GARAGE ADDITION

The owner came forward and presented the plans. He stated that they do not intend to bury the propane tank and leave it where it is per the plans. Mr. Schwartz asked whether they had the sequencing for the project and it was presented for review.

MOTION FOR APPROVAL

Mr. Failla then made a motion to approve the application of Beck/Gutekunst, 10 Timothy Road for a 3rd bay garage addition as shown on plans prepared by David _____ Architects, dated 5/5/08, 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 plan, post-construction, will be reviewed to the satisfaction of the Conservation Planner.

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

There was some discussion regarding the selection of LandTech as the Conservation Commission’s consultant and the delay in the process.

DISCUSSION OF APPLICATION CONT.: SPRATT BUILDERS, 65 NEWTOWN
TURNPIKE – EXTENSION OF EXISTING GRAVEL DRIVE

Mr. Attra explained that this is an enforcement action. Mr. Anderson noted that the only thing on the agenda for discussion is the actual extension of the existing driveway. It was noted that the applicants were not there to present. Discussion then turned to whether or not there was minimal impact and if Mr. Anderson could handle it administratively.

Following discussion, it was decided that it would not be handled administratively. A letter requesting an extension was found in the file and it was decided that they would extend the discussion on the application for 30 days.

MOTION TO EXTEND

Mr. Failla made a motion to extend the application for a period of 30 days from June 19, 2008, and Mr. Schwartz seconded. All in favor, the motion carried (5-0).

DISCUSSION: ENFORCEMENT – LOT 49 GOODHILL (KELLEY)

Mr. Failla gave a history of this matter. He noted that they approved it in 2005 and there are two standard conditions associated with that approval, one being the timeframe within which work should be completed – one year from start of the project. They did not start the work until 2006 and it should have been completed in 2007. They built the road and the house but did not finish the meadow. Wetlands were filled for them to build the road and they were supposed to trade wet meadow for the filled portion, but Mr. Anderson went out to the site and established that the wet meadow had not been completed. The second condition is that a certified professional engineer certifies completion according to plan, which also was not done.

Mr. Anderson noted that he received a letter indicating that they had recently done work to create three wet meadow areas but he took pictures which show that there is not much growing there. Discussion then turned to the second condition that an engineer sign-off on the project. Mr. Schwartz questioned what the Commission can do when an applicant does not comply with the conditions and discussion turned to the issue of requiring bonds up-front. Mr. Failla recommended that they make it a standard condition to post a bond and, as part of the approval, decide if, in fact, they need it and set the amount at that time. Discussion continued.

It was decided that a condition regarding posting of a bond will be added as a standard condition and Mr. Failla and Mr. Anderson will work to come up with the wording.

MOTION

Mr. Failla made a motion that the Conservation Planner inform Mr. Kelley that he needs to comply with the condition of having an engineer sign off on completion or the town will hire an engineer and have Mr. Kelley pay for it. Mr. Schwartz seconded. All in favor, the motion carried (5-0).

MOTION TO ADJOURN

Hearing no additional business, Mr. Schwartz made a motion to adjourn the meeting and Mr. Aibel seconded. All in favor, the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Delana Lustberg
Recording Secretary