

DATE *GS chair*  
APPROVED: *4-23-09*  
*Jed*

CONSERVATION COMMISSION MINUTES FOR FEBRUARY 26, 2009

PAGE #09-05

MEMBERS PRESENT:

Chairman Ed Schwartz, Vice-Chairman Joseph Pachman, Tom Failla, David Rosenberg, Howard Aibel

Meeting on tapes dated 02/26/09

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Mr. Schwartz opened the February 26<sup>th</sup> regular meeting of the Weston Conservation Commission at 6:00 p.m.

RECEIPT OF APPLICATION

- Walt, 31 Salem Road, landscaping

Mr. Anderson came forward and stated that the only reason this is before the Commission is because it is part of a development site that was approved and had a no-disturbance area. Mr. Walt would like to clean up the area because it is full of invasive species.

MOTION FOR RECEIPT

Mr. Failla made a motion to receive the application of Walt and Mr. Schwartz seconded. All in favor, the motion carried (5-0).

SET WALK DATE

The walk date was set for Saturday, March 14, 2009. The Commissioners will meet at town hall at 8:00 a.m.

CONFIRMATION OF WITHDRAWAL OF APPEAL OF INTENT TO ISSUE  
ADMINISTRATIVE PERMIT, ASPETUCK VALLEY COUNTRY CLUB,  
IRRIGATION/PUMP HOUSE, 67 OLD REDDING ROAD

Attorney John Fallon came forward and stated that the club has received approval from the Planning & Zoning Commission to build a new pump house replacing an existing pump house on the property. Prior to that, Mr. Anderson, under the regulations, granted an administrative approval. After that was done, Mrs. Alley, an abutting neighbor, filed an appeal without stating any reasons. They have worked out the problems with Mrs. Alley which will consummate with the purchase of her property which the Probate Court approved on February 10<sup>th</sup> and that closing will take place at the end of March. Attorney Ahern sent in a letter withdrawing the appeal and based on the withdrawal of the appeal, they are asking the Commission to confirm Mr. Anderson's administrative approval. Discussion ensued.

Mr. Failla asked to see Mr. Anderson's administrative approval and Mr. Anderson noted that he had issued a notice of intent to issue a permit and then an appeal was filed. Mr. Anderson noted that he had found that there was minimal impact and he had applied the standard conditions.

MOTION TO CONFIRM ADMINISTRATIVE ORDER

Mr. Schwartz made a motion to confirm the administrative order and Mr. Aibel seconded. All in favor, the motion carried (5-0).

PUBLIC HEARING CONT.: FAR HORIZON SUBDIVISION, 10 LADDER HILL, 5 LOTS – DICARO (THE HUNTINGTON COMPANY LLC)

David Bjorklund came forward and stated that his partner, Charles Spatt, could not be here to discuss the application. He noted that previously it had been submitted as a 5 lot subdivision and then after the walk, it was revised to be a 4 lot subdivision which addressed some of the concerns of the Commission with the previous layout. He then reviewed the new plan for the Commissioners. He noted that the lots that they are proposing range from 2 acres to 5.6 acres. There are two areas of open space proposed, one being 1.2 acres and another parcel on the north side of the property which is contiguous to existing Town of Weston Nature Conservancy property and is 4.4 acres, all total 35% of the property will be open space or easements.

Mr. Bjorklund noted that Lot 1 has access from Ladder Hill Road and has a proposed detention basin and the other lots are all accessed from the private lane which is an expanded version of the existing paved driveway. In response to a question posed by Mr. Failla regarding the configuration of the open space and why they hadn't incorporated all the wetland areas, William Kenney, soil scientist came forward and gave some background on the existing conditions of the wetlands systems. Discussion then turned to the septic system on Lot 4.

Mr. Pachman then asked for a brief summary of the changes from the original plan and Mr. Bjorklund noted that the amount of lots decreased from 5 to 4 and the open space was increased. There was a drain that ran through house #4 that was re-routed and it was removed from the hillside and also there will be less grading. Mr. Bjorklund then described how the driveway drainage would be handled with swales and then down to a proposed level spreader, hit the proposed stone wall and dissipate into the wetland area. He indicated a proposed detention pond which would also serve the runoff for the driveway for Lot 1. Mr. Bjorklund further noted that as part of the engineering report that was submitted, there is a very detailed phasing plan that goes through each lot individually and the road itself. Discussion regarding phasing continued.

Following discussion, it was decided that the applicants would return next month with some additional information. The applicants then submitted a letter of extension.

DISCUSSION OF APPLICATION CONT.: VOLLRATH, 11 TIFFANY, SUBDIVISION (LAND ENGINEERING)

J. Kellior of Land Engineering, came forward to discuss the application. He explained that the original plan called for a lot of grading and the house was getting close to the wetland in the front. They looked into repositioning the house and straightening out the driveway which reduced the pad from 40 ft. to 30 ft. and allowed them to pull the house uphill and rotate it. They will also have to change the roofline of the house because of the town's height restriction. Commissioners asked questions regarding the driveway being so close to the wetlands and Mr. Kellior indicated that he did not think there would be an impact. He noted that there will be a small increase in runoff and with the amount of ledge, there would not be a significant increase. Following some additional discussion, Mr. Kellior indicated that when they come back for site-specific, they will bring more details.

MOTION FOR APPROVAL

Mr. Pachman made a motion to approve the application of Vollrath, 11 Tiffany Lane, as shown on a map prepared by Land Engineering Associates dated 4/8/08 and revised 2/26/09 with the modifications as suggested regarding the 50% diversion of the water runoff on the proposed driveway and moving the septic tank 25 ft. to the north, 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 review the plan for a vegetative buffer.
- K. The applicants will re-stabilize the embankment to the south of the existing common driveway.

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

DISCUSSION OF APPLICATION CONT.: CANNON, 10 NORFIELD FARM ROAD, DRAINAGE EASEMENT.

Attorney Robert Murray came forward to discuss the application. He noted that a question was raised at the last meeting regarding impact on the wetlands and he brought Barry Hammons, engineer who put together the drainage plan. Mr. Hammons came forward and stated that he surveyed the property for the Cannons about four years ago and after that, they purchased the lot next door and without his knowledge they installed a pipe that daylight 120 ft. from the wetland. Mr. Hammons stated that they dug a lot of test holes and the soils are great for water retention and they all agree that the house was built too low. Mr. Schwartz asked whether the pipe has any affect on the wetland and Mr. Hammons stated that it did not. Discussion ensued.

Following discussion, the following motion was made:

MOTION FOR APPROVAL

Mr. Failla made a motion to approve the application of Cannon, 12 Norfield Farm Road, as shown on a map prepared by Hammons LLC, dated 7/16/03 and revised 12/29/03, 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 liners 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 review the plan for a vegetative buffer.

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

#### DISCUSSION CONT.: MASON: 27 CEDAR HILLS, WETLANDS VIOLATION

Attorney Scalzo along with Thomas Petros, soil scientist, came forward to continue discussion. Attorney Scalzo indicated that they were looking for an approval of the mitigation and restoration plan. Mr. Petros then stated that the surveyor went back and located the flags that the three soil scientists put out that day, he did a grading plan for the back yard with one foot contours. A remediation plan was put together for removing the fill from the wetlands. It involves establishing a silt fence on the eastern property line then bringing an excavator in and taking all the fill out of the wetland. Once fill is removed it will be graded back to the 10 foot buffer along the edge of the wetland boundary. Within the wetlands there will be 20 shrubs and 5 trees and other recommended native plants. Along the buffer area they will put in a staggered row of shrubs and then go in and seed it with a wetland seed mix.

#### MOTION FOR APPROVAL

Mr. Schwartz made a motion to approve the remediation plan for Mason, 27 Cedar Hills, as shown on a wetland mitigation plan, prepared by Dennis A. Deilus, L.S., dated 1/23/09, revised to February 3, 2009. Fred Anderson is to walk the property and make sure there is no fill on the opposite side of the property line.

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

#### APPROVAL OF MINUTES

Mr. Schwartz made a motion to approve the minutes from the January 15, 2009 meeting. Mr. Pachman seconded the motion. All in favor, the motion carried (6-0).

MOTION TO ADJOURN

Mr. Schwartz made a motion to adjourn the meeting and Mr. Pachman seconded. All in favor, the meeting adjourned at 7:30 p.m.

Respectfully submitted,

  
Delana Lustberg  
Recording Secretary