

DATE *ES*
APPROVED: *4.23.09*
JM.

CONSERVATION COMMISSION MINUTES FOR MARCH 19, 2009 PAGE #09-011

MEMBERS PRESENT:

Chairman Ed Schwartz, Vice-Chairman Joseph Pachman, Tom Failla, Howard Aibel and Jed Ferdinand

Meeting on tapes dated 03/19/09

Mr. Schwartz opened the March 19th regular meeting of the Weston Conservation Commission at 7:35 p.m.

DISCUSSION OF APPLICATION: WALT, 31 SALEM ROAD, LANDSCAPING

Mr. Walt came forward to discuss the application. He stated that they want to remove approximately 25 invasive plants and re-plant with native species. Fred Anderson noted that he had looked at plan and commented that some will attract deer. Discussion ensued. Mr. Pachman questioned why the matter was before the Commission and Mr. Anderson noted that it is in the non-disturbance area. Mr. Anderson then asked the applicant to install a single-layer silt fence and he will inspect before work begins. Mr. Aibel the posed a question regarding the removable boat dock and Mr. Walt explained that it is a one-person install and removable dock that will be put in seasonally.

MOTION FOR APPROVAL

Mr. Schwartz made a motion to approve the application for 31 Salem Road, as submitted, as shown on drawings prepared by Mr. Walt, 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. Applicant will install a single-layer silt fence along the edge of the water.

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

Mr. Failla commented on the record that this is a non-disturbance line and normally the Commission wants to keep it in its natural state, but in this case, there is enough invasive species that the owner wants to improve in the sense of keeping with the natural landscape and terrain.

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

Charles Spatt, engineer, came forward, along with John Mack, engineer, and Bill Kenney, soil scientist. Mr. Spatt presented the revised plans and indicated the conservation and open space areas. He also indicated the limits of disturbance and pointed out the modified phasing plan which was requested by the Commission. Discussion ensued.

Mr. Failla questioned why the wetland system was not included in the open space. Mr. Spatt indicated that there is a stone wall that follows along the line and they propose another wall in front of that which is shown on the plan. Mr. Schwartz questioned how far the wetlands edge was from the proposed house on one of the lots and Mr. Spatt indicated that it was approximately 45 ft. from the back of the house. Mr. Failla noted that they are looking at a subdivision now, but they would have to come back for site specific review. Discussion continued.

Mr. Spatt then indicated that the subdivision is 17.9 acres with only four lots proposed and a better layout. Mr. Pachman then asked Mr. Spatt to elaborate on the erosion control plans and he explained that and the phasing plan for the Commissioners. Mr. Failla asked Mr. Spatt to

indicate on the plan the different phases of construction. Mr. Failla also suggested having a bond that would cover any potential problems that may occur and discussion ensued.

Mr. Anderson noted that both of the Notice of Violations have been lifted and Mr. Kenney presented a letter from the state to that effect for the record.

Following some additional discussion, the following motion was made:

MOTION TO CLOSE PUBLIC HEARING

Mr. Failla made a motion to close the public hearing and Mr. Schwartz seconded. All in favor, the public hearing was closed at 8:16 p.m.

Mr. Failla noted that the four lots will need to come back before the Commission for site specific review. The bond will need to be worked out with LandTech. Also, the applicant will have to get a set of final plans that indicate the phasing plan.

MOTION FOR APPROVAL

Mr. Failla made a motion to approve the application for a 4 lot subdivision at 10 Ladder Hill Road, as shown on plans prepared by The Huntington Company, dated 3/18/09. The plans consist of 11 sheets all numbered sequentially. The approval is 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 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. Revised plans will be submitted to the Conservation Planner within a week reflecting the markings on #PH-1.

K. All lots will come back for site specific review.

L. The sequencing of Phases 1, 2 and 3 are dated as follows: Phase I – June – August, 2009; Phase II – August – October, 2009 and Phase III – October – March 2010.

M. A bond sufficient to cover any problems, as decided by LandTech, will be imposed for the construction

N. Mr. Anderson will work with Bill Kenney to have a contingency plan in the event of storm weather and Mr. Anderson will bring that before the Commission for their review.

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

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

Attorney Robert Murray came forward to present the modification. He noted that last month the Commission approved the drain pipe serving 12 Norfield Farm Lane. They are selling that property and the buyer wants to get the proposed of the pipe closer to the stone wall. They propose to move the pipe’s location to 7.5 feet off the wall. The modification does not make any material change and Mr. Murray presented a letter from Barry Hammons indication that the pipe causes minimal erosion. Mr. Anderson commented that he sees no reason why it was not proposed for that location in the approved proposal. The Commissioners agreed that the buyer will have to come before the Commission for site specific review for the lot.

MOTION FOR APPROVAL OF MODIFICATION

Mr. Schwartz made a motion for approval of the modification as shown on plans prepared by Roland Gardner, dated 3/10/09, with the understanding that before the pipe is installed, as modified, the new owner will have to come back for site specific approval. Mr. Pachman seconded the motion. All in favor, the motion carried (5-0).

OTHER BUSINESS:

Mason, 27 Cedar Hills Road

Mr. & Mrs. Figliola, neighbors, came forward to express their concerns. At the last meeting they went over the Mason's remediation plans and asked Mr. Anderson to go to the Figliola's property to see if there was fill over the property line. Mr. Anderson indicated that he was not able to tell from sight as there was significant vegetation there. Discussion ensued.

Following discussion, Mr. Failla suggested that the Commission ask the Town Attorney what jurisdiction the Commission has regarding this matter. It was decided that the matter would be placed on the agenda for the April meeting and the Masons should be notified of that.

APPROVAL OF MINUTES

Mr. Schwartz made a motion to approve the minutes from the February 26, 2009 meeting, as amended, and Mr. Ferdinand seconded. All in favor, the motion carried (5-0).

MOTION TO ADJOURN

Mr. Aibel made a motion to adjourn the meeting and Mr. Pachman seconded. All in favor, the meeting adjourned at 9:07 p.m.

Respectfully submitted,



Delana Lustberg
Recording Secretary

