

MEMBERS PRESENT:

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

Meeting on tapes dated 04/23/09

Mr. Schwartz opened the April 23rd regular meeting of the Weston Conservation Commission at 7:35 p.m.

APPROVAL OF MINUTES:

Mr. Aibel made a motion to approve the minutes from the March 19, 2009 meeting, as amended, and Mr. Schwartz seconded. All in favor, the motion carried (5-0).

WALK DATE:

The walk date was set for Saturday, May 16, 2009. The Commissioners will meet at Town Hall at 8:00 a.m.

RECEIPT OF APPLICATIONS:

- Schindel Subdivision, 389 Newtown Turnpike, 6 lots (Guidera)
- Town of Weston, Valley Forge Bridge Replacement (Town Engineer)

Mr. Anderson came forward and explained that the Schindel Subdivision is a significant subdivision with a number of homes already on it and questioned whether the Commissioners would want it to go to a public hearing. Discussion ensued. Mr. Anderson suggested that they have LandTech look at the proposal and also have the Commissioners walk the property first.

MOTION FOR RECEIPT:

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

MOTION TO ENGAGE LANDTECH:

Mr. Schwartz made a motion to engage LandTech to review the Schindel Subdivision application and Mr. Aibel seconded. All in favor, the motion carried (5-0).

Town of Weston, Valley Forge Bridge Replacement

John Conti, Town Engineer, came forward and explained that the application is being submitted for the replacement of the Valley Forge Road bridge. He noted that the bridge is in a state of deterioration and is one of the six bridges that the CTDOT inspects every two years in Weston and the reports have shown that the bridge has deteriorated to the point where they have to take action. They discussed whether they can fix the existing structure or totally replace it and decided that it wasn't worth trying to restore the existing structure. He then gave a brief description of the project.

MOTION FOR RECEIPT:

Mr. Failla made a motion to receive the application of the Town of Weston for the Valley Forge Bridge replacement and Mr. Schwartz seconded. All in favor, the motion carried (5-0).

APPEAL OF CONSERVATION PLANNER'S MARCH 9, 2009 DECISION RE: 27 ROGUES RIDGE ROAD (WALPUCK)

Mr. Anderson came forward and explained that this decision relates to the Fasch property and is currently the home of Mrs. Fasch with a long driveway going down onto Rogues Ridge. The proposal is a subdivision where she gains one lot. The only activity proposed at this time is to get the subdivision approval and then come up with a final plan for site development. He noted that he was presented with was a plan that showed no activity in the lower section from the existing house down to Rogues Ridge. The challenge is in the letter from Mr. Walpuck indicating that there is no A-2 survey. Mr. Anderson explained that when he went to the site, the request was to review the lower driveway which has a wetland, but no activity proposed in that area. Since there was going to be no activity in that section he determined that it did not need an application. At some point in the future, when there is proposed activity, they will need to submit an application. Discussion ensued.

Attorney Mario Coppola, representing the property owner, came forward and stated that they had submitted a letter indicating that if there were to be any substantive discussion of the issues that there is a continuance granted so that Attorney Bloom has an opportunity to come before the Commission.

Robert Walpuck came forward and stated that he owns neighboring property and was not notified. He presented maps made by Robert Turner who concluded that a subdivision was necessary. He indicated how the property looked pre-subdivision and then in 1983 the property was re-configured to its current state. Planning & Zoning deemed it to be a subdivision and now both lots enter right through a wetland. Mr. Schwartz noted that they haven't made a proposal to widen the driveway yet. Mr. Walpuck noted that P&Z approved the lot lines. Discussion ensued. Mr. Failla then suggested that they consult with the Town Attorney.

Attorney Coppola noted that Mrs. Fasch received approval from the Planning & Zoning Commission for the approval of her two lots which have already existed for many years. He stated that they would like to request a continuance if the Commission determines that they want to have a review of any substantive issues, however there is no standing to appeal the decision. Discussion continued.

Following discussion, Mr. Failla stated that if Mr. Walpuck is concerned about what P&Z did, he should appeal that decision. Mr. Anderson prepared a report which P&Z relied on that there were no impacts, he did not do an administrative review, he did something more preliminary which they relied on and proceeded with their approval. He suggested that they need to have consultation with the Town Attorney to determine whether the Conservation Commission needs to take any action.

MOTION TO CONTINUE

Mr. Failla made a motion to continue the matter pending consultation with the Town Attorney and Mr. Ferdinand seconded. All in favor, the motion carried (5-0).

MOTION TO ENTER EXECUTIVE SESSION:

Mr. Failla made a motion to enter executive session and Mr. Schwartz seconded. All in favor, the motion carried (5-0).

The Commission came out of executive session at 9:19 p.m.

MOTION:

Mr. Failla made a motion to direct Tracy Kulikowski to compose a letter with the assistance of the Town Attorney to the Figliola's to answer the question about further action related to Mr. Mason. Mr. Schwartz seconded. The letter will be sent to the Chairman of the Commission for review. 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 9:21 p.m.

Respectfully submitted,



Delana Lustberg
Recording Secretary *DL*