

MEMBERS PRESENT:

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

Meeting on tapes dated 05/21/09

Mr. Schwartz opened the May 21st regular meeting of the Weston Conservation Commission at 7:35 p.m.

DISCUSSION/DECISION: LIFTING OF CEASE & DESIST, DATED 1/29/99, REVISED 2/15/00, REVISED TO 3/20/00, 10 LADDER HILL

No action was taken at this time.

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

Mr. Schwartz stated that the neighbor asked Mr. Anderson whether or not they had to apply to the Conservation Commission when the only thing that occurred was that the lot line had been moved. Mr. Anderson wrote a report saying that the mere fact that the lot line is moved does not necessitate any action by the Conservation Commission because there was not activity or impact on the land by moving an "imaginary" line. When the owner decided to come before the Commission they would have to file a site specific plan. Mr. Walpuck, neighbor, objected because he thought he should have been notified and that he had a right to appeal. The matter was discussed with the Town Attorney and heard arguments at the last meeting and it was the Town Attorney's opinion that there is no right to appeal but even if there were, the Commission did hear it and can rule on whether to uphold the Conservation Planner's decision.

Mr. Walpuck stated that there is a subdivision application pending before the Planning & Zoning Commission and it is not just moving the lot lines. The Planning & Zoning approved the subdivision application. Currently there is one lot, and propose two lots and the second lot requires the widening of the driveway going right through a wetland. Mr. Pachman commented that there will still be site specific and they property owners will need to come back to the Commission for any activity ensuing.

Attorney Ira Bloom, representing Mrs. Fasch, the property owner, came forward and commented that the Planning & Zoning approved the subdivision application and Mr. Walpuck, through one of his entities, has already filed an appeal of that subdivision application. He also stated that there is no widening of the road proposed, these are two lots which have existed since the 1950's with a different lot line. They are proposing no construction, no widening at this time and agree that at such time that someone comes back with a proposal, it will be subject to further review.

Discussion ensued.

MOTION:

Mr. Schwartz then made a motion stating that if there is a situation where there is only a lot line change, there is nothing that the Conservation has to review, then it is not appealable, but even if it were, on the merits, since there is no physical activity on the land, and when there is activity, the owner will have to become before the Commission for site specific approval. Mr. Pachman seconded. All in favor, the motion carried (5-0).

DISCUSSION OF APPLICATION: SCHINDEL SUBDIVISION, 389 NEWTOWN TURNPIKE, 6 LOTS (GUIDERA)

Attorney George Guidera, representing the applicants, came forward along with Richard Bennett, P.E., Don Strait, Landscape Architect, and Henry Moeller, Soil Scientist. Attorney Guidera presented a copy of the assessors map and pointed out that each of the parcels, 3-13, were separate parcels that were purchased over time. The road shown on the proposed subdivision plan is already there and has been there for more than 50 years. Some of the parcels meet the current regulations for a building lot and some do not, some of the properties have houses on them already and have had houses for a long period of time. At this point they are trying to take all the properties and assemble them all together and bring them up to the current Planning & Zoning regulations. He presented the subdivision plans for review and noted that the only thing proposed is the widening of the road. Discussion ensued.

Richard Bennett then explained how they proposed to widen the road. Mr. Schwartz noted that all the work around the pond will be within the wetland boundaries. He then questioned why LandTech would be consulted on this matter. Mr. Anderson stated that the Commission did a site inspection first to determine whether the proposal was complicated enough to require LandTech to review. Discussion continued.

Henry Moeller, then came forward and noted that he flagged the wetlands and then characterized the various wetlands areas for the benefit of the Commissioners. They are not going to be impacting any natural environment because it was all maintained and landscaped as a lawn area. There will be plantings added and the area will be more beneficial for wildlife. Don Strait, Landscape Architect, then came forward and presented the planting plans for review and discussion ensued.

Mr. Schwartz then polled the Commissioners to determine whether they need to consult with LandTech and it was decided that it would not be necessary to engage the services of LandTech. He suggested that they look at the possibility of moving the road even so slightly so it would not be as close to the wetlands. He also stated that the Commission would need to see a detailed construction plan to show that they are not going to unduly impact on the wetlands.

The discussion was continued to the next meeting on June 25, 2009.

DISCUSSION OF APPLICATION: TOWN OF WESTON, VALLEY FORGE BRIDGE REPLACEMENT (TOWN ENGINEER)

John Conti, Town Engineer, came forward and presented the plans for the bridge for review. He stated that this is part of a federal local bridge program so it receives federal and state money. This particular project will meet the minimum requirements and will be kept as tight to the existing conditions as possible. He noted that there will be no direct impacts on anything. The bridge will be made out of concrete and will look very similar to the existing bridge, although it will have a longer span. Discussion ensued.

Mr. Schwartz stated that they will need to come before the Commission with whatever plan the contractor decides to do and then the Commission needs to decide whether they have the expertise to handle this matter. Mr. Conti noted that they are looking for approval, but recognize coming back with a specific plan for the structure. Mr. Schwartz commented that the Commission's concern is with the construction process and how they are going to ensure it will not interfere with the river.

MOTION FOR APPROVAL

Mr. Schwartz made a motion to approve the general concept of the new bridge but require a site specific application showing exactly how they plan, during construction, to ensure that there will be no adverse interference with the river below. Mr. Aibel seconded the motion. All in favor, the motion carried (5-0).

DISCUSSION: CL&P RIGHTS-OF-WAY MAINTENANCE, CL&P TRANSMISSION LINES ARBORIST – PAUL BELL

Paul Bell, Arborist for the Western region of Connecticut, Tony Johnson, Supervisor for vegetation management, Northeast Utilities transmission systems. Mr. Bell explained that they have been before the Commission four years ago to present the plans for management of vegetation on the transmission corridor that runs through one quarter of Weston. The plan is to come in and do selective herbicide applications to only treat targeted vegetation that would cause interference with the lines, which they do every four years. Mr. Bell also noted that the materials used are federally approved and state registered and are the same as used in 2005. The right of way in question near Maple Street slopes considerably and is overgrown and almost unusable. He does not believe that there are wetlands on the area in question. Mr. Anderson noted that there is a wetland in that "triangle" area. Discussion ensued.

Mr. Pachman questioned whether there are towns in Connecticut that decided not to use herbicide and Mr. Bell stated that in all his years there has been no town in Connecticut that has said no. Mr. Pachman then brought discussion to the ingredients that are in the materials that will be used.

Harvey Belland, Maple Street, came forward and stated that the crews came to his house, they cut trees in the most perfect manner, cleaned up every bit of debris and did a perfect job. He stated that what happens in that stretch of wetland under the right of way goes directly down to Maple Street. He expressed concern regarding the runoff from Meadow Ridge that goes through the right of way into their streams and ending up in the Saugatuck River. He asked that herbicides and chemicals not be used and explained his reasoning.

Mr. Bell then explained how those chemicals are applied and how that manual removal of the invasive species have a greater chance of contaminating groundwater from trace amounts of fuel oil than any herbicides. Mr. Pachman questioned that statement. Mr. Bell then responded that they have been maintaining that right-of-way for over 45 years with the way they are doing it now and the chemicals they are using have gotten better. Discussion continued.

Mr. Bell then noted that they present a plan to the State of Massachusetts every five years which explains the summary and conclusions of the long and short term study of the leaching and movement of herbicides. He further explained that they apply the chemicals to the leaves which then goes into the stems then the roots and stops the plant from manufacturing amino acids and the plant dies.

Following some additional discussion, it was decided that the Commission would walk the property and the applicant would return for the September meeting.

DISCUSSION OF APPLICATION: HERMAN, 25 LAKESIDE DRIVE

Mr. Anderson explained that there on the left there is Lakeside Drive then a pond that is part of the Saugatuck River that comes out of the woods, fairly narrow, and then opens up into the pond. He noted he had a complaint and he went to the Herman's house and found workers building a retaining wall in the river. When he arrived there was, in fact, a retaining wall separating the soil from the river. He did not know how long they had been there or what they actually did and did not know whether it was new or just repairing it. They workers did not speak English and he was not able to understand anything. Mr. Anderson sent a letter to Mr. Herman, received not response and then sent a second letter.

Mr. Herman came forward and stated that the west branch of the Saugatuck River flows from Michael's Way into his property, opens up four houses and then flows out the other end. He stated he received an April 1 letter informing of complaint and then a May 5th letter stating that there were two letters sent, on April 1 and April 8. He stated he never received that April 8 letter so never knew to attend the April meeting. Mr. Herman stated that he received permission from the Commission in the past for a dock. A contractor came in to take dead wood off property and as they walked the property they noticed erosion of the land where the water comes down and goes into the main part of the lake. He asked the contractor to put some rocks along the erosion area to prevent further erosion. Mr. Herman noted that he did not know that the contractor put concrete in the wall. Discussion ensued.

Following discussion, it was decided that Mr. Herman would file an application and return for a hearing.

APPROVAL OF MINUTES

Mr. Schwartz made a motion to approve the minutes from the April 23, 2009 meeting and Mr. Pachman seconded. All in favor, the motion carried (5-0).

OTHER BUSINESS

Tracy Kulikowski noted that Mr. Anderson will be taking time off in June and in terms of staffing while he is gone, and noted that Mr. Failla has, in the past, helped out but the Commission needs to approve that. The Commission agreed that Mr. Failla and the Code Enforcement Officer could help out in minor emergencies, etc.

MOTION TO ADJOURN

Mr. Aibel made a motion to adjourn the meeting and Mr. Pachman seconded. All in favor, the meeting adjourned at 9:25 p.m.

Respectfully submitted,



Delana Lustberg
Recording Secretary