DATE
APPROVED:

CONSERVATION COMMISSION MINUTES FOR JUNE 25, 2009 PAGE #09-24

MEMBERS PRESENT:
Chairman Ed Schwartz, Tom Failla, Howard Aibel, Jed Ferdinand and David Rosenberg (7:50)

Meeting on tapes dated 06/25/09

Mr. Schwartz opened the June 25th special meeting of the Weston Conservation Commission at 7:43 p.m.

WALK DATE:
The walk date was set for Saturday, July 11, 2009. The Commissioners will meet at Town Hall at 8:00 a.m.

RECEIPT OF APPLICATIONS:

- Jaworoski, 26 Old Mill, restoration of regulated area
- Herman, 25 Lakeside Drive, stone wall

Mr. Anderson noted that the applications are complete and appropriate for receipt.

MOTION FOR RECEIPT:
Mr. Failla made a motion to receive the applications of Jaworoski and Herman and Mr. Aibel seconded. All in favor, the motion carried (4-0).

DISCUSSION OF APPLICATION : SCHINDEL SUBDIVISION, 389 NEWTOWN TURNPIKE, 6 LOTS (GUIDERA).
Richard Bennett, P.E, Attorney George Guidera, Don Strait, Landscape Architect and Henry Moeller, P.E., came forward and Mr. Bennett explained the proposal as an 18 acre parcel with an existing road. He stated that they have two goals, to reorganize the property so that they have six conforming lots. He presented plans and indicated where the lots would be. Mr. Bennett also explained that the 7 acre lot will be museum property for Weston Woods. There will be a new roadway constructed, approximately 900 ft. in width with a 20 ft. wide pavement area with a turnaround at the end. Lots 1, 2 and 3 have existing houses. Mr. Schwartz questioned where the wetlands are and Mr. Bennett indicated that they are across Newtown Turnpike and they will use an existing culvert so there will be no substantial disturbance. There is also a man-made pond with a watercourse and swail leading out of the property flowing southwesterly and feeding into the other wetland. He noted a small wetland on Lot 2 and a substantial wetland on the other lot, which is not part of this subdivision. Mr. Schwartz questioned why they were not including that lot in the subdivision. Attorney Guidera explained that that lot has a separate access, it is an approved lot and they have showed it on the plans because they want to have an easement to have access to that lot from new roadway. Discussion ensued.

Mr. Failla posed a question regarding the planting plan and asked how the pond was created. Mr. Schindel explained that the pond was created by the state around 55 years ago in a program to get rid of swamps.

Don Strait, Landscape Architect came forward and described the planting plan. He indicated that they have a buffer of 10 feet at the minimum but it gets quite a lot wider in places. He showed where boulders were to be placed to delineate the edge of wetlands so that area does not get mowed, and noted that he added groundcover plantings in the vicinity of the stream for water quality measure, also indicating the species to be planted.

Mr. Bennett then addressed the changes made since last month noting the added conservation restricted areas to protect wetlands and provide a permanent buffer to ensure protection will remain. He also noted that they want to come back for site specific on the museum property because it does have wetlands. Mr. Schwartz then asked Mr. Bennett to describe the drainage proposal. Discussion ensued.

Following discussion, Mr. Failla stated that they should have a detailed construction sequence for the roadway. He then suggested that they build the road first, get it graded and planted and build the other driveway because they don't want to open up the upper portion until it has stabilized below. Discussion continued.

Following discussion, the following motion was made:

MOTION FOR APPROVAL
Mr. Failla made a motion to approve the application for Morton Schindel, Trustee, 381-397 Newtown Turnpike for a 6-lot subdivision as shown on plans dated 6/24/09 and prepared by Richard Bennett, Associates, 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 Commission reserves for site specific, the driveway and associated grading going to Plot 2B, Map 2494 of the Weston Land records, (Powder Hill lot) which is not part of the pending application.

K. There will be site specific on the extension of the conservation restricted area in the center of the subdivision on Lot 6.

L. The construction sequencing plan is to be reviewed and approved by the Conservation Planner, Fred Anderson, before construction begins. It requires sedimentation and erosion controls on Page 7 and are to be constructed before any activity begins.

M. A planting plan prepared by Don Strait dated 6/16/09 will be part of this permit approval.

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

DISCUSSION: SARFAZ, 41 NORFIELD WOODS ROAD, UNCONTROLLED SILTATION TO POND AT 41 HIDDEN MEADOW ROAD (GELFAND) NOTICE OF VIOLATION ISSUED 6/25/09. HAND DELIVERED

Fred Anderson explained that over the last couple years, Mr. Sarfaz has been doing some extensive filling on his property, there aren't any wetlands within a 100 ft. but there is runoff, and he instructed him to put up soil and erosion controls which he did. Mr. Anderson went to the property and a Notice of Violation was delivered today.

Mr. Gelfand, property owner at 41 Hidden Meadow, came forward and noted that the runoff from 41 Norfield Woods Road is going into his property. Mr. Anderson got the topography map and indicated the direction of the runoff. He noted that the soil and erosion controls do not seem to be functioning properly and the runoff is going into the pond. Mr. Anderson also presented recent pictures he had taken of the location. Discussion ensued.

Mr. Failla stated that technically what he is seeing is a situation for the DEP to look into because it is a pollution problem right now. Mr. Gelfand then noted that his wife believes that this falls under the National Pollution Discharge Elimination System rules. Mr. Failla asked Mr. Anderson to get the DEP to give specific orders on what to do to stabilize the site. Discussion ensued.

Following discussion, it was decided that Mr. Anderson would request that the property owner come to the next meeting.

Mr. Ferdinand left the meeting.

REVIEW OF ADMINISTRATIVE REVIEWS

Mr. Anderson reported that between the last meeting and this one, he has had only 4 administrative applications and 2 are pending. He has only made 16 site inspections because things are slow. One of the reviews was for installation of a 500 gallon propane underground storage tank with wetlands downgrade within 40 feet. Another was a minor re-grade of a backyard at 51 Fanton Hill within 20 feet of the wetland. Another was a change of a previously approved bridge from concrete to wood. Discussion then ensued regarding the process.

RELEASE OF NOTICES OF VIOLATION: 10 LADDER HILL, FAR HORIZON SUBDIVISION

Mr. Anderson explained that they need to remove the notices of violation which were issued by Bob Turner in 1999 and 2000. Discussion ensued.

MOTION:

Mr. Schwarz made a motion to lift the motion to lift the notices of violation for the first phase of the project with the understanding that the applicant will come before the Commission and show that they have cured all the violations cited. Mr. Aibel seconded the motion. All in favor, the motion carried (4-0).

MOTION TO ADJOURN

Mr. Rosenberg made a motion to adjourn the meeting and Mr. Schwartz seconded. All in favor, the meeting adjourned at 9:30 p.m.

Respectfully submitted,

Delana Lustberg
Recording Secretary