

MEMBERS PRESENT:

Chairman Ed Schwarz, Tom Failla, Howard Aibel, Robert Turner, Cathy Minter and Chris Spaulding

Meeting on tapes dated 10/20/11

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Mr. Schwarz opened the October 20<sup>th</sup> regular meeting of the Weston Conservation Commission at 7:32 p.m.

WALK DATE

The walk date was set for Saturday, November 5, 2011. The Commissioners will meet at Town Hall at 8:00 a.m.

RECEIPT OF APPLICATIONS:

- DiDonato, 12 Cindy Lane, site development
- Marsh, 40 Valley Forge, restoration of stone dam
- Sawyer, 69 Norfield Road, proposed trees (Robert Avery-Franzen)
- Delaney, 17 Wood Hill, addition (Josh Glass)

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of DiDonato, 12 Cindy Lane and Mr. Aibel seconded. All in favor, the motion carried (6-0).

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Marsh, 40 Valley Forge Road and Mr. Failla seconded. All in favor, the motion carried (6-0).

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Sawyer, 69 Norfield Road, and Ms. Minter seconded. All in favor, the motion carried (6-0).

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Delaney, 17 Wood Hill Road and Mr. Turner seconded. All in favor, the motion carried (6-0).

Mr. Anderson stated that Josh Glass wanted to come forward and address the Commission. Josh Glass came forward and stated that he was from Harmony Builders and was representing the owners in this application. They would like to do an addition that would help to reconfigure the living space due to Mrs. Delaney's Multiple Sclerosis. She is unable to get around within a bathroom and bedroom the way the house currently is designed. He asked whether the Commission would allow for the administrative review from the Conservation Planner based on

the two site visits he has made. Mr. Anderson noted that the wetlands are 64 feet from the wetlands. Discussion ensued. Mr. Failla then asked whether this met the conditions for administrative review and Mr. Anderson indicated that it involved a change in the footprint.

MODIFICATION: SCHULZ, 61 NEWTOWN TURNPIKE, DECK/PROPANE TANK  
(ORIGINAL APPROVAL 11/16/10)

Scott Parker, contractor, came forward to present the modification. He indicated the location of the deck, tank and generator. Discussion ensued. Mr. Schwarz expressed his concern that debris does not go into wetlands.

MOTION TO APPROVE MODIFICATION

Mr. Failla made a motion to approve the modification for 61 Newtown Turnpike as shown on a plan signed and dated 10/20/11 by Scott Parker, with the conditions (1) that once the hole is dug, the Conservation Planner will inspect to ensure that there are no water issues and (2) double silt fence with hay bales in the middle will be installed. Mr. Spaulding seconded the motion. All in favor, the motion carried (6-0).

DISCUSSION OF APPLICATION: DEMBY, 263 NEWTOWN TURNPIKE, ADDITION.

Elayne Demby, owner, came forward to present the application and explained that they would like to put on a small addition and a pergola. She stated that they already have the footings on the existing porch, they would just be taking down that porch and extending the kitchen into that porch space. She indicated the location of the stream that runs along property. Mr. Failla stated that it is a small "bump out" and they can make the construction sequencing a condition.

MOTION FOR APPROVAL

Mr. Failla made a motion to approve the application of Demby, 263 Newtown Turnpike as shown on a plan prepared by Leonard Surveyors dated 7/7/11 and construction drawing dated 8/11/11 and prepared by LHW Design, 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. A construction sequence and location of the siltation fence is to be submitted and approved by the Conservation Planner.

Mr. Turner seconded the motion. All in favor, the motion carried (6-0).

DISCUSSION: DELANEY, 17 WOOD HILL

Mr. Anderson noted that the change in the footprint is 324 ft. no change to septic, no storage tanks no effect on wells, etc. He further noted that the area is basically grass but a buffer area should be set and he would recommend a 25 ft. vegetative buffer. The area of disturbance will be approximately 2,000 sq. ft. and does not fit into the minimal impact category. Mr. Schwarz stated that if not for the medical emergency situation, it would not fit into the administrative review process.

MOTION

Mr. Schwarz made a motion for 17 Wood Hill to be subject to the Administrative Review process and approval and Mr. Failla seconded the motion with the following conditions: (1) a 25 ft. vegetative buffer is to be installed and (2) the Kultec is to be moved outside of the 100 ft. limit. He also recommended that they return to next month's meeting and give a report. Mr. Aibel seconded the motion. All in favor, the motion carried (6-0).

DISCUSSION OF APPLICATION CONT.: SHUBBER, 7 SMITH RIDGE, POOL & SITE WORKREQUEST FOR APPROVAL OF EXTENSION: SHUBBER, 7 SMITH RIDGE, HOUSE & SITE WORK

Dhiaa Shubber, owner, came forward and explained that he had to modify the septic system, it had to be elongated because of the 75 ft. requirement. He stated that the modification was approved by the health department. Ms. Minter stated that he may have had health department approval, but he had no permit and no work was to have occurred. He has now put in a septic system and silt fence, all without Conservation approval. Discussion ensued.

Mr. Failla stated that they should have an engineer's report to review. Mr. Turner told the applicant to not touch anything until the next meeting when the Commission has more information.

MOTION

Mr. Failla made a motion to hire an engineering consultant to come up with a remediation plan and Mr. Schwarz seconded. All in favor, the motion carried (6-0).

MOTION

Mr. Aibel made a motion to impose a bond of \$25,000 to ensure that the owner complies and also to cover possible costs. Mr. Failla seconded the motion. All in favor, the motion carried (6-0).

DISCUSSION/DECISION: KAESER, 50 SACHEM ROAD, REVIEW OF PLANTING PLAN, CONDITION L OF NOVEMBER 16, 2010 APPROVAL AND MODIFICATION OF 11/16/10 APPROVAL, SEPTIC TANK LOCATION

John Kaeser, owner, came forward to discuss the matters. He stated that the septic tank was put within 65 feet of the wetlands that was not approved by the Conservation Commission. He has since applied to the health department to move the tank outside the 100 ft. line. Mr. Failla stated that he thinks it needs to be done and it can be treated as modification. Mr. Schwarz then questioned what penalty could be imposed for having an approved plan and going ahead with work that was not approved. Mr. Kaeser stated that it was a mistake and the septic installer said it was better to put the slope at the end of the system. Discussion ensued.

Following discussion, Mr. Failla questioned whether the removal and putting it back where it is supposed to be will hinder the operation of the system. Mr. Anderson noted that he is not putting it back in the originally approved location, it is in the middle of the two areas. Mr. Failla stated that another of his concerns is that the contours that were there originally are restored. Mr. Anderson also stated that he didn't think that moving the tank would be a problem and Mr. Kaeser has taken the comments from last meeting into consideration and is making a good faith effort to pull the septic system out of the conservation area. The erosion controls are no different from what they are now. Mr. Schwarz noted that the neighbors are complaining about siltation downhill and asked if they can put up a short section of controls close to the construction and double up the effect of the controls. Discussion ensued.

Following discussion, the following motion was made:

MOTION TO APPROVE MODIFICATION

Mr. Schwarz made a motion to approve the modification of the location of the septic system as shown on plans prepared by Pereira Engineering, dated 5/25/11, signed and dated 10/20/11 by the owner, with the condition that all contours are returned to the original plan, subject to the review and approval by the Conservation Planner. The original conditions A-I still apply. Mr. Failla seconded the motion. All in favor, the motion carried (6-0).

MOTION

Mr. Schwarz made a motion to impose a \$1,000 fine and Mr. Turner seconded. Mr. Failla commented that the owner is in the process of complying. The motion was voted on and failed (1-1, 4 abstain).

Mr. Schwarz then brought discussion to the planting plan and stated that the Commission found that plan to be lacking. Mr. Kaeser submitted a letter from his landscape architect defending his planting plan.

Steve Trinkaus, engineer, came forward on behalf of the neighbors, the Norlingers. He stated that he has looked at the site and reviewed the file, and submitted a letter to the Commission members regarding his findings. He stated that there seem to be 2 major issues, not getting the volume reduction by infiltration and the increased 5,000 sq. ft. of impervious area is not directing the runoff to the storm water management systems. Mr. Trinkaus stated that in his opinion, the analysis of the engineers report is flawed and he would recommend that the cleared area should be restored soils amended to restore the infiltrative capacity. Also, the increased volume in the stream and clear deposits of sediment indicate that the site is not fully stabilized. Discussion ensued.

Attorney Glen Major representing a neighbor questioned what the process was going forward. Mr. Schwarz suggested that they meet with the owner to discuss.

MOTION

Mr. Schwarz made a motion to approve the planting plan as shown on a plan prepared by Sitescapes Landscaping, with the additional condition that the owner rototill in, 6 inches down, either wood chips or mulch. Mr. Failla seconded the motion. All in favor, the motion carried (6-0).

DISCUSSION OF APPLICATION: LEPORE, 167 OLD HYDE ROAD, DECK AND PATIO PLANTINGS

Jean & John Lepore, George Silva, mason and Tess O'Reaghan, designer, all came forward to discuss the proposal. Mr. Failla stated that his only concern is that the vegetative buffer is extended further back. Ms. O'Reaghan agreed to extend the vegetative buffer.

MOTION FOR APPROVAL

Mr. Failla made a motion to approve the application for Lepore, 167 Old Hyde Road, as shown on plans prepared by Cobblestone Landscaping dated 9/12/09 and revised 9/12/11, signed and dated today indicating revisions, 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:

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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.

Mr. Spaulding seconded the motion, All in favor, the motion carried (6-0).

DISCUSSION OF APPLICATION: HALPIN, 14 ARLEN ROAD, LANDSCAPING

Michele Halpin, owner, came forward to discuss the application. Mr. Failla expressed concern with the depression area on the property and would like to see a soil scientist's report before he could consider the application. The matter was continued to the next meeting.

DISCUSSION OF APPLICATION: KAYE, 1 CARTBRIDGE ROAD, ADDITION

Brian Connors, builder, came forward to present the plans. He noted the location of the hay bales and double sit fence and reviewed the construction sequencing.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the application for Kaye, 1 Cartbridge Road, for an addition as shown on plans prepared by Denis Delius dated 7/12/11, with modifications as indicated on plan, 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:

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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. The construction sequencing is to be reviewed and approved by the Conservation Planner.

Mr. Spaulding seconded the motion. All in favor, the motion carried (6-0).

APPROVAL OF MINUTES

Mr. Schwarz made a motion to approve the September 26, 2011 minutes and Ms. Minter seconded. All in favor, the motion carried (6-0).

MOTION TO ADJOURN

Mr. Failla made a motion to adjourn the meeting and Mr. Aibel seconded. All in favor, the meeting adjourned at 10:25 p.m.

Respectfully submitted,

Delana Lustberg  
Recording Secretary