

MEMBERS PRESENT:

Tom Failla, Jed Ferdinand, Robert Turner and Cathy Minter

Meeting on tapes dated 8/2/11

Mr. Failla opened the August 2nd special meeting of the Weston Conservation Commission at 7:30 p.m.

Mr. Failla introduced the new Commissioner, Chris Spaulding, who will be replacing Jed Ferdinand.

WALK DATE

The walk date was set for Saturday, September 10, 2011. The Commissioners will meet at Town Hall at 8:00 a.m.

RECEIPT OF APPLICATIONS:

- Shubber, 7 Smith Ridge, Pool & Site work
- 200 Steephill Road – modification treated water discharge to stream

MOTION FOR RECEIPT

Mr. Failla made a motion to receive the application of Shubber, 7 Smith Ridge, and Ms. Minter seconded. All in favor, the motion carried (4-0).

REQUEST FOR APPROVAL OF EXTENSION: SHUBBER, 7 SMITH RIDGE

Mr. Anderson stated that it is alright for receipt, but the property should be walked before a decision on the extension is made.

MOTION:

Ms. Minter made a motion to discuss the matter of extension after the site walk on the property has been done and Mr. Turner seconded. All in favor, the motion carried (4-0).

RECEIPT OF APPLICATION: 200 STEEPHILL ROAD, MODIFICATION, TREATED WATER DISCHARGE TO STREAM

DISCUSSION OF APPLICATION: 200 STEEPHILL ROAD, ZUVIC-CARR, EXPEDITED, DEP REQUESTED PUSH ALONG

Martha Lemmon, from Zuvic Carr & Associates came forward to explain the modification. Mr. Failla explained that they are dealing with remediating an oil tank that leaked and contaminated the ground water. Ms. Lemmon stated that nothing has changed, the tank was pulled and they excavated 108 tons of soil and pure product off the bedrock of about 60 gallons and there is still

800-900 gallons missing. Ms. Lemmon noted that they think it may be bound up under the house. They set groundwater bedrock monitor wells and it took a year to have any contamination show up in one of the wells, and also in another well in the driveway. She then explained the permitting process and noted that the neighbor backed out of an agreement to discharge to surface water. The applicant is now asking to reinstate the original proposal so that they can discharge for 90 days to the stream and for a general permit. Ms. Lemmon then presented the data collected from the last few weeks noting that it has all been "non-detect". Mr. Failla read a letter from the DEP to that effect. The matter was tabled until later in the meeting to give the Commissioners a chance to review the test results.

DISCUSSION OF APPLICATION: CROWN, 36 KELLOGG HILL ROAD, MITIGATION PLANTING

Andrew Cordis, Esq. and Cory Jorgenson, from Wesley Stout Associates came forward to present the application. Attorney Cordis explained that the Crowns went into the wetlands after the storm of April 2009 and thought they were doing good to clean out debris, and when they did, the neighbor filed a complaint as the area was subject to a conservation easement to the Land Trust. Mr. Jorgenson presented a plan with the wetland line indicated in pink, noting that the owner planted native plants and indicated their location but they propose to further mitigate the open area by planting a 950 sq. ft. area with native plantings. Mr. Failla questioned whether it would help with the high water issue and whether the plantings will survive. Mr. Jorgenson explained that the issue is the runoff from lawn areas on the short slope which washes through and stated that he feels confident that the proposed plantings will survive and will cut down on the erosion and help stabilize the bank.

MOTION FOR APPROVAL

Ms. Minter made a motion to approve the application for Crown, 36 Kellogg Hill Road, as shown on a plan prepared by Wesley Stout Associates dated 7/13/11 and revised and initialed today 8/2/11, 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.

Mr. Ferdinand seconded the motion, All in favor, the motion carried (4-0).

DISCUSSION OF APPLICATION: BABYAK, 15 JANA DRIVE, RECONSTRUCTION OF EXISTING DECKS

Mr. Babyak came forward to discuss the application. He explained that he had a primary deck at the rear of house collapse after a heavy snowfall and a secondary deck that doesn't meet code. He would like to reconstruct the collapsed deck, take down the secondary deck and then connect them in approximately the same square footage. He noted it will be further away from wetlands and there would be a 14' x 22' wide section, and a 36' x 6' section and then a 12' x 12' section. Discussion ensued.

Mr. Failla noted that they would be increasing the deck space by 10% and the final plans would be subject to the review by the Conservation Planner.

MOTION FOR APPROVAL

Mr. Ferdinand made a motion to approve the application for Babyak, 15 Jana Drive, as shown on a plot plan prepared by _____ with hand drawings of the deck by applicant dated 8/2/11, 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 applicant is to provide the final plans to the Conservation Planner for review and approval.

Ms. Minter seconded the motion. All in favor, the motion carried (4-0).

DISCUSSION CONTINUED: 200 STEEPHILL ROAD

After review of the report, Mr. Anderson stated that it looks like the system is putting out clean water and he would recommend that the Commission approve the proposal, however, it will need to be monitored every day for 3-4 days and then the monitoring can go to every other day.

MOTION FOR APPROVAL

Mr. Failla made a motion to approve the modification to restore the original approval, with the conditions that the Commission get reports following the general permit for discharge by the State DEP and also follow the recommendations of Oswald Inglese. Mr. Anderson is to receive reports every other day and if a spike is detected then the system is to be suspended. Mr. Ferdinand seconded the motion. All in favor, the motion carried (4-0).

DISCUSSION OF APPLICATION CONT.: FRIEDMAN, 14 GREENLEA LANE, STOCKADE FENCE AND PLANTING

Mr. Failla noted that the Commission asked for an alternate plan at the previous meeting. Adam Broadbent, from Laurelrock, came forward and stated that he went back to the owner to try to accomplish a screening that did not enter wetland area and delineate the wetland in a much softer way. He then presented revised plans proposing three 12-14 ft. hemlocks installed by hand and in 2-3 years would achieve the owner's objective of privacy screening. They also propose a split rail fence upland and then light plantings along the wetland line. Mr. Broadbent then showed the access areas for 2 different work areas, keeping out of the wetlands. Mr. Ferdinand stated that he is struggling with the idea of plantings directly in the wetlands and Ms. Minter noted that it would be creating a wetland buffer. Discussion ensued.

MOTION FOR APPROVAL

Ms. Minter made a motion to approve the application for Friedman, 14 Greenlea Lane, as shown on plan prepared by Laurelrock Company dated 8/1/11 with the addition of hemlock trees and modified split rail fencing outside of wetland area and a selection of plantings no greater than a 5 gallon size, 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 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.

Mr. Ferdinand seconded the motion. All in favor, the motion carried (4-0).

DISCUSSION OF APPLICATION CONT.: FAILLACE, 306 LYONS PLAIN, RIVERFRONT RESTORATION AND MAINTENANCE

Gloria Gouveia and Kate Throckmorton came forward on behalf of the owner, and explained that they went back and added more detail to the plan to explain erosion that has occurred and decided that they would eliminate the cobbles from the plan. The plan is essentially the same, but explained the adjustments they have made noting that they are only removing giant pieces of trees stuck in the river, there will be no dredging and no disturbance of ground plane. Mr. Failla noted that his concern was the 10 yards of cobble, which is now removed from the plan.

MOTION FOR APPROVAL

Mr. Failla made a motion to approve the application for Faillace, 306 Lyons Plain, as on plans prepared by Environmental Land Solutions dated 7/18/11 and revised 7/27/11, subject to the following conditions: , environmental land solutions, erosion controls. 2nd turner, all in favor, 4-0.

- 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.

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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 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 Conservation Planner is to inspect the debris removal and erosion controls.

Mr. Turner seconded the motion. All in favor, the motion carried (4-0).

MODIFICATION: PORTNER, 23 CHURCH LANE, POOL FENCING AROUND PERIMETER OF POOL

Mr. Portner and Tim Meehan from Meehan & Ramos Pools came forward to discuss the modification and indicated the fence line following the silt fence line at the edge of the disturbance. Mr. Meehan indicated that rip rap is already there and they will put a silt fence at the base and then take out the silt fence to put in the 4 ft. high fence.

MOTION FOR APPROVAL

Mr. Failla made a motion to approve the modification for Portner, 23 Church Lane as shown on plans prepared by Denis Delius dated 6/2/11 and Mr. Ferdinand seconded the motion. All in favor, the motion carried (4-0).

APPROVAL OF MINUTES

Approval of the July minutes was continued to next month's regular meeting.

MOTION TO ADJOURN

Mr. Failla made a motion to adjourn the meeting and Mr. Turner seconded. All in favor, the meeting adjourned at 9:17 p.m.

Respectfully submitted,

Delana Lustberg
Recording Secretary