

DATE  
APPROVED:

CONSERVATION COMMISSION MINUTES FOR NOVEMBER 20, 2008 PAGE #08-38

MEMBERS PRESENT:

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

Meeting on tapes dated 11/20/08

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Mr. Attra opened the October 16<sup>th</sup> regular meeting of the Weston Conservation Commission at 7:35 p.m. He noted that he had submitted a formal resignation as Chairman of the

Conservation Commission Regular Meeting – November 20, 2008

Members present: Chairman Ed Schwartz, Tom Failla, Joseph Pachman and Jed Ferdinand

RECEIPT OF APPLICATIONS:

PUBLIC HEARING: FAR HORIZONS SUBDIVISION, 10 LADDER HILL, 5 LOTS –  
DICARO (THE HUNTINGTON COMPANY LLC)

Charles Spadt from the Huntington Company came forward on behalf of the applicant and asked for a continuance of the hearing.

MOTION TO CONTINUE

Mr. Failla made a motion to continue the public hearing until the December meeting and Mr. Schwartz seconded. All in favor, the motion carried (4-0)

Timeline: Receipt of application 9/16/08, met 65 day requirement to open a public hearing. There are 35 days to conclude the public hearing (12/25/08). If the applicant wants to extend the time then they can request an extension up to 65 more days to 2/28/09.

DISCUSSION OF APPLICATION: LYONS PLAIN FIREHOUSE, 234 LYONS PLAIN  
ROAD, DEMO & REBUILD (WESTON VOL. FIRE DEPT. (ATTY. GUIDERA)

Attorney Guidera came forward to present the application along with other members of the fire department. He explained that the property is owned by the Weston Volunteer Fire Department, Inc. a non-stock membership corporation since 1931. The firehouse was built in 1947. He explained that they are not an agency of the Town of Weston, they are a private organization that has a contract with the town to provide manpower to suppress fires on the eastern side of town. Attorney Guidera continued to explain the history of the property noting that it borders wetlands and there is no place they can acquire more land than they already have. He noted that the building is not up to code, it is sinking, old and time for a new fire station. The septic system has been approved by the health department and the new building should last 60 years or more.

Todd Richie, P.E. with Sterns & Wheeler came forward and explained that they made improvements to the original plan based on comments made on the site walk. He showed the existing structure noting that the footprint of the new building will stay the same. The parking lot will remain and they will have to make another entrance for the reorientation of the bays. He then discussed the storm water management and drainage plan. Mr. Failla asked for the

construction sequencing and Mr. Richie pointed that out and the phasing of the project. Discussion ensued.

Following discussion, firefighter Dana Coates noted that they plan to break ground after the freezing in March.

#### MOTION FOR APPROVAL

Mr. Failla made a motion to approve the application of the Weston Volunteer Fire Department to redevelop the firehouse located at 234 Lyons Plain Road as shown on plans prepared by Stearns & Wheler dated 11/20/08, 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.”

- I. Any changes in approved plans shall require notification to the Commission and may require that a new application be made.
- J. Applicant agrees, represents and warrants that it will obtain all required federal, state and local permits prior to commencing any work on the site.
- K. During the construction sequence, town agents will review the installation of the sedimentation and erosion controls before any demo work is commenced. After the first two steps of the sequence regarding temporary controls, the Conservation Planner will visit the site and review to ensure that everything conforms to the plans.
- L. There will be maintenance of the hydrodynamic separator on a semi-annual basis.

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

DISCUSSION OF APPLICATION: VOLLRATH – 11 TIFFANY LANE- SUBDIVISION  
Jay Keillor and Mr. Vollrath, property owner came forward to discuss the application. Mr. Keillor noted that the Commission approved an application 2 years ago to cross the existing brook and gain access to the property. He noted that they would not be filling any wetlands although they would be working close. He then reviewed the plans for the Commissioners. Mr. Anderson, Conservation Planner, stated that the wetlands is very close to the development. Discussion ensued.

Following discussion, Mr. Vollrath stated that he has no specific timeline although he would like to get started as soon as possible. It was decided that they could continue the discussion to December and put the property on the next walk.

DISCUSSION OF APPLICATION: APPEAL TO ISSUE PERMIT, UTILITY TRENCH, 3 CHRISTOPHER LANE (B. CHANA)  
Discussion was continued to the December meeting.

DISCUSSION: APPEAL OF INTENT TO ISSUE PERMIT: ASPETUCK VALLEY COUNTRY CLUB, 67 OLD REDDING ROAD, IRRIGATION/PUMP HOUSE (ATTORNEY AHERN)  
Discussion was continued to the December meeting.

SPRATT BUILDERS – 65 NEWTOWN TURNPIKE – CEASE & DESIST  
Mr. Ferdinand stated that there was minimal impact and he was ready to lift the Cease & Desist Order.

MOTION TO LIFT CEASE & DESIST ORDER  
Mr. Ferdinand made a motion to lift the Cease & Desist Order, effective 11/20/08. Mr. Schwartz seconded. The motion was voted on and carried (3-0 [Pachman abstain]).

SPRATT BUILDERS – 65 NEWTOWN TURNPIKE – EXTENSION OF EXISTING GRAVEL DRIVE

MOTION FOR APPROVAL

Mr. Failla made a motion to approve the application of Spratt, 65 Newtown Turnpike for site development, driveway and culvert on both Lots 1 and 2 as shown on a plan prepared by LandTech Consultants and dated 2/11/08, #077326-01, revised 11/17/08, 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. There will be a non-disturbance line as drawn by LandTech 50 ft. off the wetlands to the property boundaries in the northerly, northeasterly, westerly and northwesterly and needs to be reflected on the final maps for both lots.

K. The planting buffers will be removed from wetlands edge to driveway curtain drain edge.

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

MASON -27 CEDAR HILLS – NOTICE OF VIOLATION

Mr. Schwartz stated that he is friends with Mr. & Mrs. Figliola but it would not interfere with his ability to be impartial. It was noted that Mr. Mason was not in attendance.

Mr. and Mrs. Figliola, 12 Greys Farm Road came forward to explain their concerns. They had flooding last year and upon inspection, noticed that the stone wall at the rear of the property was removed and Mr. Mason had developed into their property 35 ft. as part of their landscaping. The Mason's have filled an area of wetlands and now the Figliolas have a septic system that flooded. Discussion ensued.

MOTION

Mr. Failla made a motion to continue the Notice of Violation and Mr. Schwartz seconded. All in favor, the motion carried (4-0).

COMMISSION BUSINESS

MOTION

Mr. Failla made a motion to give the Conservation Planner more discretion in whether or not to apply standard condition D. when giving an administration approval to a project and Mr. Pachman seconded. All in favor, the motion carried (4-0).

APPROVAL OF MINUTES

Mr. Ferdinand made a motion to approve the minutes from October 16, 2008 and Mr. Pachman seconded. All in favor, the motion carried (4-0).

MOTION TO ADJOURN

Mr. Pachman made a motion to adjourn the meeting and Mr. Ferdinand seconded. All in favor, the meeting adjourned at 9:45 p.m.

Respectfully submitted,

Delana Lustberg  
Recording Secretary