

DATE  
APPROVED:

CONSERVATION COMMISSION MINUTES FOR SEPTEMBER 26, 2011 PAGE #11-56

MEMBERS PRESENT:

Chairman Ed Schwarz, Tom Failla (7:37), Howard Aibel, Robert Turner Cathy Minter and Chris Spaulding

Meeting on tapes dated 9/26/11

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Mr. Schwarz opened the September 26<sup>th</sup> regular meeting of the Weston Conservation Commission at 7:32 p.m.

WALK DATE

The walk date was set for Saturday, October 15, 2011. The Commissioners will meet at Town Hall at 8:00 a.m.

RECEIPT OF APPLICATIONS:

- Kaye, 1 Cartbridge Road, addition
- Halpin, 14 Arlen Road, landscaping
- Lepore, 167 Old Hyde Road, deck and patio plantings
- Certoma, 8 Narrow Brook, generator (Tuttle) potential for Admin. Review
- Demby, 263 Newtown Turnpike, addition
- Cusak, 39 Ridge Road, new septic system (Grumman Engineering)

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Kaye, 1 Cartbridge Road and Ms. Minter seconded. All in favor, the motion carried (5-0).

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Halpin, 14 Arlen Road and Mr. Aibel seconded. All in favor, the motion carried (5-0).

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Lepore, 167 Old Hyde Road, and Ms. Minter seconded. All in favor, the motion carried (5-0).

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Certoma, 8 Narrow Brook and Ms. Minter seconded. All in favor, the motion carried (5-0).

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Demby, 263 Newtown Turnpike and Mr. Aibel seconded. All in favor, the motion carried (5-0).

Mr. Anderson reported that the Cusak application was not complete for receipt.

Mr. Anderson then explained that the Certoma application only involved a generator that would not have any effect on the wetlands and he believed it could be handled as an administrative review. The Commission tabled discussion until after the agenda items.

**MOTION TO CHANGE MEETING DATE:**

Mr. Schwarz made a motion to change the October meeting date to October 20, 2011 and Ms. Minter seconded. All in favor, the motion carried (6-0).

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

The applicant did not appear to present the proposal.

**MODIFICATION: PORTNER, 23 CHURCH LANE, PROPANE GAS TANK, LINE TO  
POOL EQUIPMENT & GENERATOR**

Tim Meehan, from Meehan & Ramos Pools came forward and stated that after Hurricane Irene, the homeowners would like to add a generator and he indicated the location on the plans. In response to a question posed by Mr. Schwarz, Mr. Meehan stated that it would not be impacting the wetlands and the proposed area is over 30 feet away from the wetlands. Ms. Minter expressed concern about protecting the wetlands area during construction and Mr. Meehan indicated on the plans where they would place silt fencing.

**MOTION FOR APPROVAL**

Mr. Schwarz made a motion to approve the modification to the permit for 23 Church Lane to allow for a propane gas tank and line to the pool equipment and generator. Subject to the condition that a double silt fence with hay bales will be extended to the property line as indicated on plans prepared by Meehan & Ramos Pools dated 9/26/11 and additional condition that a Bill of Lading showing where the excess fill goes is to be submitted to the Conservation Planner. Ms. Minter seconded the motion. All in favor, the motion carried (6-0).

**DISCUSSION OF APPLICATION: SCHUBBER, 7 SMITH RIDGE, POOL & SITE WORK  
REQUEST FOR APPROVAL OF EXTENSION: SHUBBER, 7 SMITH RIDGE, HOUSE &  
SITE WORK**

Mr. Failla explained that the owner needs a new permit to continue work on the property. He indicated the wetlands on the property and explained that there was work done that was not in compliance with the original permit issued and there has also been fill pushed into the wetlands. Mr. Schwartz expressed his desire to have the land restored in accordance with the original permit and when that is done, the homeowner can return with a new application for the proposed work. Following discussion, the matter was continued to the next meeting.

**DISCUSSION/DECISION: KAESER, 50 SACHEM ROAD, REVIEW OF PLANTING PLAN,  
CONDITION L OF NOVEMBER 16, 2010 APPROVAL**

Mr. Failla questioned why they Commission was reviewing a planting plan and the Conservation Planner presented the plans and explained that when the original plans were approved, the front of the lot was flat and that area was supposed to be tapered from the level of the house to 15 Ft.

from the property line. He also stated that the septic had been placed in a different location than was approved by the Commission. Mr. Kaeser came forward and explained why the plans had been changed. Discussion ensued. The Commission then asked the applicant to return next month with a modification to the approved plans indicating the change in the location of the septic system.

Attorney Glenn Major, on behalf of a neighbor, came forward and expressed concern that the septic tank is not located where it was approved and that there are a number of changes to the approved permit

Jeff Giordano, 58 Goodhill Road, came forward and stated that he owns the lot across the street and downslope from this property and since construction has begun, there has been a noticeable change in the amount of water and silt flowing off Mr. Kaeser's property. He asked the Commission to inspect the silt fencing and look at the drainage plan that was approved, and determine whether those approved plans are being followed. Mr. Schwarz directed the Conservation Planner to inspect the property.

DISCUSSION/DECISION: HEYDT, 345 GEORGETOWN ROAD, STATUS OF WORK COVERED BY COMMISSION BOND – BOND EXPIRES 10/21/11

Mr. Anderson reported that the project has been completed and there have been no claims to the bond placed on the project. Mr. Failla stated that the Commission has no issue with releasing the bond.

MOTION:

Mr. Failla made a motion to release the bond placed on 346 Georgetown Road and Mr. Spaulding seconded. All in favor, the motion carried (6-0).

DISCUSSION: CERTOMA, 8 NARROW BROOK

Tom Tuttle, representing the owner, and Mr. Certoma, owner, came forward and showed the plans and indicated the proposed location of the generator. Mr. Failla noted that the issue is whether the matter could be handled as an administrative approval Discussion ensued.

MOTION FOR APPROVAL

Mr. Failla: motion to approve the application for a generator as shown on plans prepared by Tom Tuttle dated 6/1/01 and on a plot plan by Edward Shaunassey, revisions signed by Mr. Certoma dated 9/26/11 showing the location of the generator being approximately 33 feet from the wetlands on the south side of the house, and 35 ft. from the side property line, subject to the following conditions:

. A-I, j. silt fence should be reviewed and approved by CP., 2<sup>nd</sup> aibel. All in favor 6-0.

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.

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 location of the silt fencing is to be reviewed and approved by the Conservation Planner.

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

#### APPROVAL OF MINUTES

Mr. Schwarz made a motion to approve the August 2, 2011 minutes and Mr. Failla 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 9:36 p.m.

Respectfully submitted,

Delana Lustberg  
Recording Secretary