

MEMBERS PRESENT:

Chairman Ed Schwarz, Tom Failla (8:00), David Rosenberg, Howard Aibel, Jed Ferdinand and Cathy Minter

Meeting on tapes dated 5/18/10

Mr. Schwarz opened the May 18th regular meeting of the Weston Conservation Commission at 7:40 p.m. The Commission decided to change the next meeting to June 22, 2010.

WALK DATE

The walk date was set for Saturday, June 19, 2010. The commissioners will meet at Town Hall at 8:00 a.m.

RECEIPT OF APPLICATIONS:

- Cuomo, 47 Salem Road, renovation, addition, partial demolition
- Toad Hall LLC (Faillace) 306 Lyons Plain, additions (Fallon)

Mr. Anderson came forward and reported that the Cuomo and Toad Hall LLC applications were complete and appropriate for receipt.

MOTION FOR RECEIPT

Mr. Schwarz made a motion to receive the application of Cuomo, 47 Salem Road and Mr. Aibel seconded. All in favor, the motion carried (5-0).

MOTION FOR RECEIPT

Mr. Schwartz made a motion to receive the application of Toad Hall LLC, 306 Lyons Plain and Mr. Rosenberg seconded. All in favor, the motion carried (5-0).

DISCUSSION OF APPLICATION: LAVELLE, 9 RIVERFIELD DRIVE, ADDITION & DRIVEWAY (DEAN MARTIN, GRUMMAN ENGINEERING)

Dean Martin came forward representing the applicant. He presented plans and stated that the purpose of the proposed activity is the expansion of an existing detached garage and construction of a new front circular driveway for front entrance to the house. He indicated the location of the existing dwelling and garage and noted that there is a pond in the backyard with wetlands surrounding it and a little watercourse that drains down through the front yard and through an existing 12" culvert going under Riverfield Drive. He also noted that there is a proposed rain garden and indicated the location on the plans. The expansion of the garage will add an additional bay which will encroach on the existing wetland and watercourse. Mr. Martin stated that in order to do this, he proposes extending the existing pipe beyond the garage and fill in an area of wetland that would be approximately 358 sq. ft. They would like to create a front

entrance to house and propose a circular driveway which would cross the watercourse and tie back into the existing driveway. Mr. Martin also noted that there would be an additional 653 sq. ft. of wetland that would be filled and to counteract the filling of the two wetland areas, which would be 1,011 sq. ft., he would excavate and create a new wetland area adjacent to the driveway which would be creating 1,362 sq. feet of wetland area. To accommodate the additional runoff created by the impervious area, Mr. Martin explained that the runoff from the roof of the garage would be picked up and put it into an infiltrator and the sheet flow runoff from the driveway would be handled by the proposed rain garden. Discussion ensued.

Following a question posed by Mr. Schwarz, Mr. Martin explained that they propose a culvert over the stream, fill the area with headwalls and then the driveway would be fairly level across to the existing driveway. Mr. Schwarz then asked whether there were any reasonable alternatives to the placement of the garage and Mr. Martin stated that they are working with existing setbacks of 30 feet on the side yards and anywhere the garage would go it will be infringing on wetlands. It is a small area that they would be filling for the proposed garage addition. Mr. Martin also stated that they would work on a planting plan with Mr. Anderson. Mr. Ferdinand commented that it seemed reasonable and prudent alternatives were considered. Mr. Schwarz commented that there was a previous application for a garage and Mr. Failla had mentioned that the application was rejected because there was an alternative to put the garage somewhere else. Ms. Minter commented that she would like to see planting plan to accommodate what's already there.

Mr. Failla arrived at 7:59 p.m.

Mr. Failla stated that Mr. Anderson needs to give some background on that previous application. His recollection is that at that time the Commission was not interested in filling existing stream beds so they would have to do some research on that. Mr. Martin noted the alternative plan to have a cul de sac in the front would not be the owner's first choice. Discussion on impervious surface and runoff ensued.

Following discussion, it was decided that the matter would be continued to the next meeting in order to review the previous file and get additional information.

DISCUSSION OF APPLICATION: D'APICE, 266 NEWTOWN TURNPIKE, GRADING AND FILLING

Jay D'Apice, owner, came forward stated that he wants to back lay grass that was there and re-seed. He noted he would be bringing in topsoil just for the seeding and is not planning on filling any of the property. Mr. Rosenberg questioned where the topsoil would be coming from and Mr. D'Apice stated that it would be from Bethel Sand and Gravel. Mr. Anderson suggested that he talk to Jim Pjura, Zoning Enforcement Officer to see if he needed a permit from P&Z for the fill. Mr. D'Apice stated that he is not filling the ground and actually the property is built all on fill. Discussion ensued.

Mr. D'Apice stated that he would plant whatever wetland plants the Commission recommended. Ms. Minter noted that they have rough grade, then wetlands and then the hay bales and they need to have a barrier before wetlands. Mr. Failla indicated where the silt fence should be and suggested that a vegetative buffer of about 10-15 ft.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the application for 266 Newtown Turnpike as shown on plans prepared by Hammons, LLC, land surveyors, dated 11/19/02, 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 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. Applicant will move the hay bales in front of the wetlands.
- K. Applicant will add clean screened top soil to plant grass and cut down on erosion.
- L. A planting buffer zone will be added 10-15 feet from the wetlands edge and the plan must be approved by the Conservation Planner and will be planted by hand.

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

Mr. Schwarz noted that Dr. Sarfaz has filed an appeal to the Commission's decision.

The Commissioners decided to enter executive session to discuss the appeal.

MOTION TO ENTER EXECUTIVE SESSION

Mr. Ferdinand made a motion to enter executive session and Mr. Rosenberg seconded. All in favor, the Commission entered executive session at 8:23 p.m.

MOTION TO EXIT EXECUTIVE SESSION

Mr. Aibel made a motion to exit executive session and Mr. Schwarz seconded. All in favor, the Commission exited executive session at 8:31 p.m.

OTHER BUSINESS

Mr. Schwarz noted that a neighbor of 36 Kellogg Hill, complained that they are encroaching on an easement area and across her property line. Mr. Anderson stated that he pulled a copy of the easement which specifically states that it is protected property and granted to the Aspetuck Land Trust by the Rutherfords. The neighbor claims that he is cutting trees and brush in that area. Mr. Schwarz asked Mr. Anderson to go out to the property to see if there is any activity in the conservation easement, see if there is any validity to it and then report back to the Commission. If it warrants an issuance of a notice of violation and if they keep on doing it, Mr. Anderson needs to notify the Commission and they will issue a cease and desist order.

Mr. Rosenberg then noted that he notified Mr. Anderson of encroachment on the Aspetuck Land Trust and Mr. Anderson stated that he went out with a man from the Land Trust on Thursday and took pictures of sand that has run down into the woods, but there is no danger of it ever making it to a wetland at this point. Mr. Failla stated that they should have been looking at this property even though it is further than 100 feet from the river because of the steep slope. Discussion ensued. The Commission recommended that Mr. Anderson go to the property and ascertain whether this should come before the Commission for review.

Mr. Anderson then explained that he got a call from Bill Bartlett who lives on Riverbank and reported that there is a neighbor cutting brush down along the bank of the river. He went out to the property and the arborist had orders to cut all the brush down to the ground and he made him stop. He then notified the property owner that she needed to make an application to the

Commission and she stated she would not and turned it over to her attorney, George Guidera. riverbank, made stop. Mr. Aibel suggested that the Commission issue a notice of violation.

DISCUSSION: REVIEW OF ADMINISTRATIVE PERMITS:

Mr. Anderson stated that he had issued no administrative permits last month.

DISCUSSION CONT.: DRAFT REVISIONS TO INLAND WETLAND REGULATIONS:

Mr. Aibel stated that the revisions have been reviewed by the staff and is ready to be submitted to the DEP.

MOTION:

Mr. Aibel made a motion to submit the draft regulations to the DEP and Mr. Ferdinand seconded. All in favor, the motion carried (6-0).

APPROVAL OF MINUTES

Approval of the April 13, 2010 minutes was continued to the next meeting.

MOTION TO ADJOURN

Mr. Aibel made a motion to adjourn the meeting and Mr. Schwarz seconded. All in favor, the meeting adjourned at 9:15 p.m.

Respectfully submitted,

Delana Lustberg
Recording Secretary