

MEMBERS PRESENT:

Tom Failla, Howard Aibel, Robert Turner and Cathy Minter

Meeting on tapes dated 7/19/11

Mr. Failla opened the July 19th regular meeting of the Weston Conservation Commission at 7:30 p.m. He suggested that the Commission hold a Special Meeting on August 2, 2011 to accommodate the people that have applications for receipt.

WALK DATE

The walk date was set for Saturday, July 30, 2011. The Commissioners will meet at Town Hall at 8:00 a.m.

RECEIPT OF APPLICATIONS:

- Crown, 36 Kellog Hill Road, mitigation planting
- Babyak, 15 Jana Drive, reconstruction of existing decks

Mr. Anderson reported that the Crown and Babyak applications were complete and appropriate for receipt.

MOTION FOR RECEIPT

Ms. Minter made a motion to receive the application of Crown, 36 Kellog Hill Road and Mr. Aibel seconded. All in favor, the motion carried (4-0).

MOTION FOR RECEIPT

Ms. Minter made a motion to receive the application of Babyak, 15 Jana Drive and Mr. Aibel seconded. All in favor, the motion carried (4-0).

DISCUSSION OF APPLICATION: TOWN OF WESTON, SCHOOL ROAD, REVSON FIELD, IMPROVEMENTS TO BASEBALL FIELDS

Town Engineer, John Conte and First Selectwoman, Gail Weinstein came forward to discuss the application. They presented the plans for the Commission review. Mr. Conte noted that the infield needs to be re-done with new sod and new clay. There are also grading problems on both fields and Mr. Conte described the work that would be done. He indicated the location of the fields on the plans and indicated that the closest point to the wetlands is 85 feet and all the other work is beyond the regulated area. Mr. Conte explained that there would be no impact to the wetlands, they would not be pushing the drainage into the wetlands, it would be contained within a berm. Dave Unger from Parks & Rec stated that they don't use any chemicals or pesticides, just fertilizer. Mr. Conte then noted that the work would take a day or day and half and Mr. Failla asked him to describe the contingencies for a heavy rain event. He explained that the

contractor is to dig the trench and back fill each night. Ms. Weinstein noted that Tom Shields from Malone & McBroom is here to answer any additional questions. Discussion ensued.

MOTION FOR APPROVAL

Ms. Minter made a motion to approve the application for the Revson and Middle School fields as shown on plans prepared by John Conte and dated 6/8/11, revised 7/11/11 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. Aibel seconded the motion, All in favor, the motion carried (4-0).

DISCUSSION OF APPLICATION: KURTZ, 107 LORDS HIGHWAY, COMPLETION OF WESTERN PORTION OF TERRACE PREVIOUSLY APPROVED AND PARTIALLY CONSTRUCTED

Sylvia Erskine and Robert Kurtz came forward seeking re-approval on a portion of a project originally approved in 2000. They indicated that there are no changes in the proposal, time just ran out on the original approval.

MOTION FOR APPROVAL

Mr. Aibel made a motion to approve the lapsed application with no changes and subject to the same conditions set at approval. Ms. Minter seconded the motion. All in favor, the motion carried (4-0).

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

Adam Broadbent from Laurelrock, representing the owner, came forward to present the application for a stockade fence and plantings. He explained that the fence would be constructed with a galvanized steel post, intentionally designed to be long lasting. The other plan is for a small area of plantings to finish out the area to the lawn and to give more of a buffer. Ms. Minter questioned the elevation to the neighboring property and whether the fence would provide sufficient screening. Mr. Failla asked Mr. Broadbent to describe the plan for getting the posts for the fence into the ground. Mr. Broadbent explained that the plan is to stockpile the equipment and tools and all the work will be hand done with no machinery. The area is away from the wetlands and they will install a silt fence to side of that, excavate the holes by hand and carry away the dirt. The panels will also be attached by hand. Discussion ensued.

Following discussion, Mr. Failla asked Mr. Broadbent to come back to the Commission and present some alternatives to this plan. Mr. Aibel asked Mr. Broadbent if consideration would be given to a plank walkway for construction to minimize disturbance. The matter was continued to the next meeting.

DISCUSSION OF APPLICATION: ZANA, 56 FANTON HILL ROAD, GENERATOR AND HOOKUP TO GAS FROM STREET.

Andrea Zana, owner, came forward to present the plans. He stated that they are converting from oil to gas, they propose a concrete pad 5 ft. from the chimney away from the condensing fans and there will be underground hookups to the house. There will be a trench 10 inches deep with gravel and the 48" x 27" pad has a buffer. Ms. Minter questioned how far from the wetlands it would be and Mr. Zana indicated that it is about 30 feet. Mr. Failla stated that there needs to be erosion controls in place before any work is done.

MOTION FOR APPROVAL

Ms. Minter made a motion to approve the application for Zana, 56 Fanton Hill, for a generator as shown on plans prepared by Richard Bennett and Associates and dated 7/21/97, revised 6/17/98 with current request for generator and hookup, signed by Mr. Zana and dated 7/19/11, 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'

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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 contractor is to provide a bill of lading.

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

DISCUSSION OF APPLICATION: PORTNER, 23 CHURCH LANE, 15 X 30 INGROUND POOL. MOVE EXISTING RIP RAP BACK TO ALLOW FOR POOL AND EQUIPMENT.

Roland Portner, owner, and Timothy Meehan with Meehan Pools came forward to discuss the application. Mr. Portner stated that the septic was to be where the proposed pool location is, but the soils were not good so it was moved back closer to the garage. Mr. Failla questioned whether there was any limit of disturbance from the site specific approval on the property. Mr. Meehan noted that there is no other place to put the pool, while it is a conforming lot at 2.8 acres, when you subtract all the wetlands and put in a well and septic, that only leaves the front yard and no one has a pool in their front yard. He also noted that they pulled the pool as close to the house as they can and it is a small pool. Mr. Failla asked how far away from the wetlands it would be and Mr. Meehan stated that it is 38 feet from the wetlands. Mr. Meehan also explained that the proposal is to move the existing rip rap back 10 feet with silt fencing and hay bales and then another silt fence beyond that. They are not proposing to be near the wetland area. Mr. Failla stated that the Commission would need to know more about what trees will come out and that could be coordinated with Fred Anderson.

MOTION FOR APPROVAL

Mr. Turner made a motion to approve the application of Portner, 23 Church Lane for an inground pool and to move the existing rip rap back to allow for the pool as shown on a plan prepared by Dennis Delius dated 6/2/11, 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'

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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 removal of trees will be coordinated with and approved by the Conservation Planner.

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

DISCUSSION OF APPLICATION: FAILLACE, 306 LYONS PLAIN, RIVERFRONT RESTORATION AND MAINTENANCE CORRECTION OF EXISTING EROSION CONDITIONS

Gloria Gouveia from Land Use Consultants came forward to discuss the application on behalf of the owner, Peter Faillace. She submitted a new wetlands delineation soils report done by Alexandra Moch. She noted that there has been a lot of rain recently and indicated the location of the promontory point on the property where sedimentation is gathering on the opposite side of the property. It is man-made so it works as a dam now and everything catches on that point. The owners would like to clean that out and remove the debris that has collected and continues to collect. Ms. Gouveia also pointed out the area of erosion and discussion ensued.

Ms. Gouveia stated that the contractor will be Richard Stein who was hired by the town to do landscaping along the bridge when it was replaced. Kate Throckmorton, soils scientist, came forward and described the erosion that has occurred and how they plan to restore that area. There would be no additional material added, they are proposing that the large debris be hand trucked out, cut up and moved out. She noted that there won't be any change in natural grade, they are

just removing debris, no moving of soil and the work will not change the waterflow in the river. Mr. Failla asked about alternatives and discussion ensued on whether it would be necessary to hire an outside expert to provide a flow analysis regarding the stability. Following discussion, it was decided that the discussion would be continued to the next meeting so the applicants could provide the Commission with some additional information.

DISCUSSION/DECISION: SARFRAZ, 41 NORFIELD WOODS ROAD, APRIL 13, 2010
ORDER OF REMOVAL, MOTION AUTHORIZING TOWN TO PROCEED WITH
ENFORCEMENT

Tracy Kulikowski, Land Use Coordinator, came forward and explained that Mr. Turner needs to recuse himself because he was the Code Enforcement Officer at the time of the activity. She indicated that the litigation was dismissed and the Commission issued an order of removal and the owner was to provide the Conservation Planner with plans to remove the fill. To date they have not heard from the owner and the Town Attorney has drafted a proposed motion.

MOTION

Mr. Failla made a motion to request that the Town proceed with enforcement of the Conservation Commission's 4/13/10 order of removal issued to Naushin Sarfraz, for removal of all of the fill at 41 Norfield Woods Road. Mr. Aibel seconded the motion. All in favor, the motion carried (3-0).

OTHER BUSINESS: 7 TOBACCO ROAD

Mr. Failla stated that after review, it is clear that both of the matters are under compliance and should be monitored by the Conservation Planner and Land Use Coordinator and there is no need to discuss tonight. Ms. Kulikowski indicated that they hope to get a planting plan from Mr. Kaiser.

APPROVAL OF MINUTES

Mr. Aibel made a motion to approve the minutes from the June 21, 2011 meeting and Ms. Minter seconded. All in favor, the motion carried (4-0).

MOTION TO ADJOURN

Ms. Minter made a motion to adjourn the meeting and Mr. Failla seconded. All in favor, the meeting adjourned at 9:48 p.m.

Respectfully submitted,

Delana Lustberg
Recording Secretary