



Conservation Commission

April 19, 2023

Mahirwan and Kavita Bhagia  
119 Old Hyde Road  
Weston, CT 06883

Subject: Notice of Violation and Stop Work – 119 Old Hyde, Weston, CT 06883

Dear Mr. and Mrs Bhagia:

Thank you for responding affirmatively to my request to stop the tree and earth work taking place within the wetlands upland review area on your property by Lato (see copy of enclosed town map 1603 from 1962). The reason for this notice of violation and stop work order is that no applications for permits have been filed for this work either with the Conservation or the Zoning offices. The regulations and application forms are available at: <https://www.westonct.gov/government/permits-regulations>. The wetlands application information can be found under Conservation and for soil disturbance under Zoning. As a courtesy, I have also enclosed a copy of the wetlands application form and instructions

This notice of violation and stop work order came about because you are in violation of the state of Connecticut Inland Wetlands and Watercourses Act for carrying out land disturbance within the upland review area without a permit by the work listed above. Additionally, depending on the amount of soil disturbance planned you may also need to apply for a zoning permit. Until such time as you obtain all necessary permits from all jurisdictions no further work on your project is to take place.

As discussed, in making an application, you will need to retain the services of a soil scientist to flag and delineate the wetlands, an engineer to lay out the plan, to make calculations for drainage and storm water management, to make an environmental assessment of the project and to recommend ways to mitigate any potential impacts to the nearby wetlands and water course. This may include a re-planting plan to make up for the loss the many mature trees that were cleared today. All of this needs to be place on an A-2 survey of the property. For your convenience I have enclosed list of soil scientists, engineers and surveyors who regularly work in this area and are familiar with the wetlands and zoning regulations. The next due date for applications is noon May 11. You may contact me at (203) 222-2681 or 203-331-6035 or by email at [conservationplanner@westonct.gov](mailto:conservationplanner@westonct.gov).

Sincerely,

Dr. Tom Failla, Conservation Planner

Cy James Pjura, Zoning Code Enforcement Officer  
Land Use Office Director c/o Ira Bloom, Town Attorney

56 Norfield Road, P.O. Box 1007, Weston, CT 06883 Tel: (203) 222-2681



Incorporated 1787

Conservation Commission

## INLAND WETLANDS AND WATERCOURSES APPLICATION

This Application is for a five-year permit to conduct a regulated activity or activities pursuant to the Inland Wetlands and Watercourses Regulations of the Town of Weston ("The Regulations")

**PROPERTY ADDRESS:** 119 Old Hyde Road

**Assessor's Map #** 14      **Block #** 3      **Lot #** 24

**PROJECT DESCRIPTION** *(general purpose)* Re-establish vegetative buffer within upland area, remove fallen and dead trees, reconstruct stone wall, and establish lawn turf grasses.

Total Acres 2.00      Total Acres of Wetlands and Watercourses 0.38

Acreage of Wetlands and Watercourses Altered 0.00      Upland Area Altered 0.32

Acres Linear Feet of Stream Alteration 0.00      Total Acres Proposed Open Space 0.00

**OWNER(S) OF RECORD:** *(Please list all owners, attach extra sheet if necessary)*

Name: Mahirwan & Kavita Bhagia      Phone: 914-548-1543

Address: 119 Old Hyde Road, Weston, CT 06883

Email: Mahirwan.Bhagia@pepsico.com

**APPLICANT/AUTHORIZED AGENT:**

Name: Justin Giorlando, PE, Force Engineering LLC      Phone: 860-705-8271

Address: 65 Kellers Farm Road, Easton, CT 06612

Email: justin@force-ct.com

**CONSULTANTS:** *(Please provide, if applicable)*

**Engineer:** Justin Giorlando, PE      Phone: 860-705-8271

Address: 65 Kellers Farm Rd, Easton, CT 06612      Email: justin@force-ct.com

**Soil Scientist:** Anthony Zemba      Phone: 203-454-2110

Address: 518 Riverside Avenue, Westport, CT 06880 Email: Azemba@landtechconsult.com

Legal Counsel: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

Surveyor: Leonard Surveyors Phone: 203-226-7861

Address: 830 Post Road East, Westport, CT 06880 Email: lsurveyors@optonline.net

### PROPERTY INFORMATION

Property Address: 119 Old Hyde Road, Weston, CT 06883

Existing Conditions (Describe existing property and structures): 2754 SF Single-Family ranch home with 1492 SF finished basement, attached garage, front porch, and rear deck.

Provide a detailed description and purpose of proposed activity (attach sheet with additional information if needed): Address concerns outline in Notice of Violation and Stop Work Order issued April 19, 2023. Provide a minimum 20 foot buffer to wetlands, remove dead and fallen trees, and provide lawn area.

Is this property within a subdivision (circle): Yes or No  
Square feet of proposed impervious surfaces (roads, buildings, parking, etc.): 0.00

Subject property to be affected by proposed activity contains:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> wetlands soils | <input type="checkbox"/> bog                        |
| <input type="checkbox"/> swamp                     | <input type="checkbox"/> lake or pond               |
| <input type="checkbox"/> floodplain                | <input checked="" type="checkbox"/> stream or river |
| <input type="checkbox"/> marsh                     | <input type="checkbox"/> other _____                |

The proposed activity will involve the following within wetlands, watercourse, and/or review area:

- |                                       |   |  |
|---------------------------------------|---|--|
| <input type="checkbox"/> Alteration   | <input type="checkbox"/> Construction   | <input type="checkbox"/> Pollution         |
| <input type="checkbox"/> Discharge to | <input type="checkbox"/> Discharge from | <input type="checkbox"/> Bridge or Culvert |
| <input type="checkbox"/> Removal of   | <input type="checkbox"/> Deposition of  | <input type="checkbox"/> Other _____       |
| Materials                             | Materials                               |  |

Amount, type, and location of materials to be removed, deposited, or stockpiled:  
Approximately 70-80 logs, branches, and stumps from felled, dead, and fallen trees. Topsoil & minimal clean fill (<25 CY) as required for removed stumps and planting soil. All final grades shall be brought to the existing grades only and existing drainage patterns shall be maintained.

Description, work sequence, and duration of activities:  
Install E&S Controls, fell and remove trees & invasive vegetation, level stump holes as required, prepare planting areas, install stone walls, install trees/shrubs/perennials, place conservation seeding and standard grass seed, remove E&S controls after site is stabilized; 4 weeks

Describe alternatives considered and why the proposal described herein was chosen:  
Another alternative was to clear more area to provide additional depth to conservation seeding; the chosen alternative takes advantage of the existing buffer of native trees and shrubs that are well established and minimizes disturbance.

Does the proposed activity involve the installation and/or repair of an existing septic system(s) (circle): Yes or No

The Westport/Weston Health District Approval: N/A

**ADJOINING MUNICIPALITIES AND NOTICE:** Proposed Project is greater than 500 feet from Town Line and won't impact drainage or septic in adjoining municipality.

If any of the situations below apply, the applicant is required to give written notice of his/her application to the Inland Wetlands Agency of the adjoining municipality, on the same day that he/she submits this application. Notification must be sent by Certified Mail with Return Receipt Requested.

The property is located within 500 feet of any town boundary line;

A significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit the site;

A portion of the water drainage from the project site will flow through and significantly impact the sewage system or drainage systems within the adjoining municipality; or

Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality

**AQUARION WATER COMPANY** Proposed Project is not within public water supply watersheds.

Pursuant to Section 8.4 of the Weston regulations, the Aquarion Water Company must be notified of any regulated activity proposed within its watersheds. Maps showing approximate watershed boundaries are available at the office of the Commission. If the project site lies within these boundaries, send notice, site plan, and grading and erosion control plan via certified mail, return receipt requested, within seven (7) days of submitting application to the Commission, to:

George S. Logan, Director – Environmental Management  
Aquarion Water Company  
714 Black Rock Turnpike  
Easton, CT 06612

The Commissioner of the Connecticut Department of Public Health must also be notified in the same manner in a format prescribed by that commissioner.

The undersigned, as owner(s) of the property, hereby consents to necessary and proper inspections of the above mentioned property by Commissioners and agents of the Conservation Commission, Town of Weston, at reasonable times, both before and after a final decision has been issued by the Commission.

The undersigned hereby acknowledges to have read the "Application Requirements and Procedures" in completing this application.

The undersigned hereby certifies that the information provided in this application, including its supporting documentation is true and he/she is aware of the penalties provided in Section 22a-376 of the Connecticut General Statutes for knowingly providing false or misleading information.

*mbhagia*      *James*

september 11, 2023

\_\_\_\_\_  
Signature of Owner(s) of Record

\_\_\_\_\_  
Date

*[Signature]*

9/13/2023

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Date

**FOR OFFICE USE ONLY**

Administrative Approval

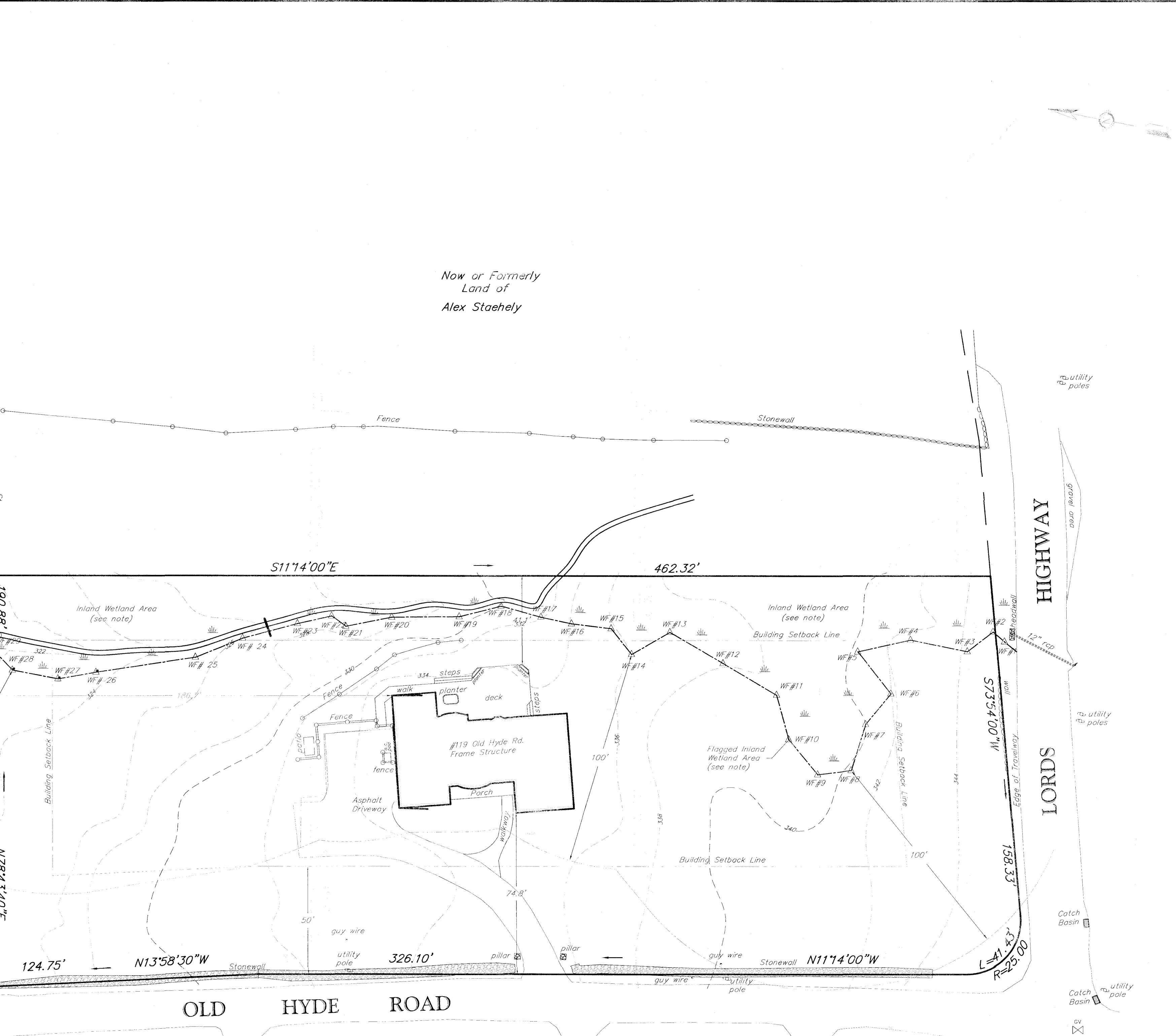
\_\_\_\_\_  
Initials

\_\_\_\_\_  
Date

**TOWN OF WESTON  
INLAND WETLANDS AND WATERCOURSE AREA  
APPLICATION REQUIREMENTS AND PROCEDURES**

In addition to the application form for permission to conduct a regulated activity within inland wetlands and watercourse area, applicants must submit the following information in accordance to scheduled submittal date. An incomplete application may result in a delay:

1. A signed letter of permission from the Owner of Record.
2. Fee in accordance to the Conservation Commission fee schedule.
3. Nine (9) collated copies of the following:
  - Completed Inland Wetland and Watercourses Application
  - Two (2) 24" x 36" Original and Seven (7) 24" x 36" Copies of the following
    - A-2 Survey map and/or site plan of at least 1" = 40'
      - Title of project
      - Name, signature, and Connecticut license professional seal(s).
      - Date map prepared, date of most recent revision, and brief description of revision.
      - Show locations of wetlands boundary, watercourses (with direction of flow, water depth, and bottom characteristics) and other pertinent features and structures such as rock ledges, stonewalls, utility lines.
      - Show location and extent of proposed activities including material and soil stockpiles, erosion and sedimentation controls, ingress and egress patterns.
      - Indicate in acres or square feet of wetlands/watercourse disturbance.
      - North arrow, Scale Bar, Legend, Property lines.
      - Edge of 100' Upland Review Area.
      - Existing and Proposed Conditions, Grading and Drainage Location
      - Double Silt fence detail (slit fence/hay bale/slit fence) configuration.
      - Construction Sequence.
      - Contour lines – 2 foot intervals.
      - Topographic (*This area may be enlarged for certain activities on/or above steep slopes or other physical conditions that may adversely impact wetlands*).
  - Drainage report prepared by a professional engineer registered in the State of Connecticut.
4. One electronic copy of all submitted materials emailed to [conservationplanner@westonct.gov](mailto:conservationplanner@westonct.gov)
5. Westport/ Weston Health District Approval, including a copy of the septic plan or B100 plan stamped and signed by the Health Department (*if applicable*).
6. If a Soil Scientist is involved, his/her name, written report, and field sketch.
7. List of names and addresses of adjacent property owners and abutters, include addressed and stamped business envelopes.
8. Proof of certified mailings to Aquarion Water Company and adjoining municipalities, *if applicable*.
9. All deeds, conservation easements, or restrictions associated with the property.
10. Location of the 100 year flood line, *if applicable*.
11. Tree removal plan of all trees greater than 12" in diameter.
12. Diagrams of alternatives considered.
13. Completed Part II of the DEEP Statewide Inland Wetlands & Watercourses Activity Reporting Form.



Now or Formerly  
Land of  
Alex Staehely

**NOTES:**

1. This survey and map has been prepared in accordance with the Connecticut State Agencies Section of the "Standards for Surveys and Maps" established by the Connecticut Association of Land Surveyors.
2. It is an Improvement Location Survey intended to depict the position, horizontally and vertically, between particular existing and proposed improvements with respect to applicable municipal or state regulations to enable determination of compliance.
3. This survey conforms to Horizontal Control System of the State of Connecticut.
4. Total Area = 87,142 sq. ft.; 1.0005 Acres.
5. Parcel is located in 2 Acre Residential Zoning District.
6. Property shown on Assessors maps as of 12/31/2021.
7. No abstract of title, nor title commitment or other records reviewed are noted hereon.
8. Underground improvements or other utilities shown are approximate.
9. Inland wetlands flagged by Land Surveyors on 15 July 2023.
10. Property located in flood zone 'X' as shown on the Flood Insurance Rate Map, Community No. 090018, Panel 01, dated 18 June 2018.
11. Contour interval is 2 ft., Datum is Mean Sea Level.
12. Reference is hereby made to the Survey and Map of the Property.
13. The word 'certify' is understood to mean that the Surveyor, in his or her opinion by the Land Surveyor with knowledge, information and belief, is a true and correct representation and a guarantee or warranty.
14. Building dimensions shown are for informational purposes only and are not to be used for construction.
15. The Building and Conservation Regulations are subject to change based upon the interpretation of the regulations, subject to change based upon the interpretation of the regulations and/or setbacks. The municipal zoning code and authority in this determination is the municipal zoning code and/or building of improvements.
16. Approximate septic and drainage lines shown are for informational purposes only.
17. Approximate contour elevations are shown for informational purposes and not field verified and is applied.
18. Map References:  
 A. Property shown as Lot A on the Map of Parcel A & B Prepared by Leo Leonard Surveyors, Scale 1" = 30', Rev. to 25/18/2018.  
 B. Map of Property Prepared for Parcel A & B by Leo Leonard Surveyors, Scale 1" = 30', 18 January 2018.

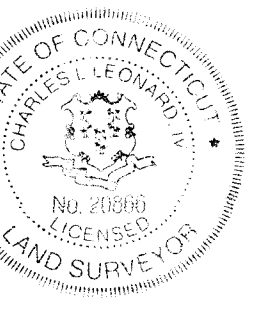
**GENERAL REQUIREMENTS  
DISTRICT R-2a**

	SECTION	REQUIRED	ACTUAL	PROPOSED	CLAIMED EXEMPTIONS / VARIANCES
MIN. LOT AREA	321.4	2 ACRE	87,142		
MIN. RECTANGLE	321.4	170' X 200'	170' X 200'		
MIN. LOT FRONTAGE	321.4	65'	525.76'		
SETBACKS	321.4				
FRONT	321.6	50'	74.8'		
SIDE	321.6	50'	186.7'		
REAR	321.6	30'	41.1'		
WATERCOURSE	321.7	100'	-		
MAX. BLDG. COVERAGE	321.7	15%	5.36%		
MAX. BLDG. HEIGHT	321.8	35'	-		

o.h.w. - Denotes overhead wires

REVISION TABLE	
DATE	DESCRIPTION
15 Aug. 2023	Contours per Weston GIS

**LEONARD SURVEYORS LLC**  
 830 POST ROAD EAST  
 WESTPORT, CONNECTICUT 06880  
 PHONE: (203) 226-7881  
 FAX: (203) 454-1832



14 2 6  
WEINER NATHANIEL & AURA  
73 OLD HYDE ROAD  
WESTON CT 06883

14 2 8  
SCHWARTZ DANIEL & SHELBY  
116 OLD HYDE RD  
WESTON CT 06883

14 2 7  
GARGIULO EDWARD J & ROSE E  
120 OLD HYDE RD  
WESTON CT 06883

20 2 2  
GITELMAN IGOR & ANNA  
49 LORDS HIGHWAY  
WESTON CT 06883

20 2 1  
NUSSBAUM FRANK & CARLYE ADLER  
109 OLD HYDE ROAD  
WESTON CT 06883

14 3 23  
STAEHELY ALEX & MONICA  
42 LORDS HIGHWAY  
WESTON CT 06883

14 3 25  
SANBORN AMY K  
125 OLD HYDE ROAD  
WESTON CT 06883

## 100 Foot Abutters List



## **STATEWIDE INLAND WETLANDS & WATERCOURSES ACTIVITY REPORTING FORM**

Pursuant to section 22a-39(m) of the General Statutes of Connecticut and section 22a-39-14 of the Regulations of Connecticut State Agencies, inland wetlands agencies must complete the Statewide Inland Wetlands & Watercourses Activity Reporting Form for **each** action taken by such agency.

This form may be made part of a municipality's inland wetlands application package. If the municipality chooses to do this, it is recommended that a copy of the Town and Quadrangle Index of Connecticut and a copy of the municipality's subregional drainage basin map be included in the package.

Please remember, the inland wetlands agency is responsible for ensuring that the information provided is **accurate** and that it reflects the **final** action of the agency. Incomplete or incomprehensible forms will be mailed back to the agency. Instructions for completing the form are located on the following pages.

The inland wetlands agency shall mail completed forms for actions taken during a calendar month no later than the 15<sup>th</sup> day of the following month to the Department of Energy and Environmental Protection (DEEP). Do **not** mail this cover page or the instruction pages. Please mail **only** the **completed** reporting form to:

DEEP Land & Water Resources Division  
Inland Wetlands Management Program  
79 Elm Street, 3<sup>rd</sup> Floor  
Hartford, CT 06106

Questions may be directed to the DEEP's Inland Wetlands Management Program at (860) 424-3019.



# **INSTRUCTIONS FOR COMPLETING THE STATEWIDE INLAND WETLANDS & WATERCOURSES ACTIVITY REPORTING FORM**

*Use a separate form to report EACH action taken by the Agency. Complete this electronic fill-in form as described below. If completing by hand please print and use the [pdf version](#). Do NOT submit a reporting form for withdrawn actions.*

## **PART I: Must Be Completed By The Inland Wetlands Agency**

1. Choose the year and month the Inland Wetlands Agency took the action being reported. If multiple actions were taken regarding the same project or activity then multiple forms need to be completed.
2. Choose ONE code letter to describe the final action or decision taken by the Inland Wetlands Agency. Do NOT submit a reporting form for withdrawn actions. Do NOT enter multiple code letters (for example, if the same project or activity had both a permit issued and enforcement action, submit two forms for the two separate actions).
  - A** = A Permit Granted by the Inland Wetlands Agency (not including map amendments, see code D below)
  - B** = Any Permit Denied by the Inland Wetlands Agency
  - C** = A Permit Renewed or Amended by the Inland Wetlands Agency
  - D** = A Map Amendment to the Official Town Wetlands Map - or -  
An Approved/Permitted Wetland or Watercourse Boundary Amendment to a Project Site Map
  - E** = An Enforcement Action: Permit Revocation, Citation, Notice of Violation, Order, Court Injunction, or Court Fines
  - F** = A Jurisdictional Ruling by the Inland Wetlands Agency (activities "permitted as of right" or activities considered non-regulated)
  - G** = An Agent Approval pursuant to CGS 22a-42a(c)(2)
  - H** = An Appeal of Agent Approval Pursuant to 22a-42a(c)(2)
3. Check "yes" if a public hearing was held in regards to the action taken; otherwise check "no".
4. Enter the name of the Inland Wetlands Agency official verifying that the information provided on this form is accurate and that it reflects the FINAL action of the agency.

**PART II: To Be Completed By The Inland Wetlands Agency Or The Applicant** - If Part II is completed by the applicant, the applicant MUST return the form to the Inland Wetlands Agency. The Inland Wetlands Agency MUST ensure that the information provided is accurate and that it reflects the FINAL action of the Agency.

5. Enter the name of the municipality for which the Inland Wetlands Agency has jurisdiction and in which the action/project/activity is occurring.

Check "yes" if the action/project/activity crosses municipal boundaries and enter the name(s) of the other municipality(ies) where indicated. Check "no" if it does not cross municipal boundaries.

6. Enter the USGS Quad Map name or number (1 through 115) as found on the CT Town and Quadrangle Index Map (the directory to all USGS Quad Maps) that contains the location of the action/project/activity. USGS Quad Map information is available at: <https://portal.ct.gov/-/media/deep/gis/resources/IndexNamedQuadTownpdf.pdf>

ALSO enter the four-digit identification number of the corresponding Subregional Drainage Basin in which the action/project/activity is located. If located in more than one subregional drainage basin, enter the number of the basin in which the majority of the action/project/activity is located. Town subregional drainage basin maps can be found at UConn CLEAR's website: [http://clear.uconn.edu/data/map\\_set/index.htm](http://clear.uconn.edu/data/map_set/index.htm) (no roads depicted) or at CTECO: [http://www.cteco.uconn.edu/map\\_catalog.asp](http://www.cteco.uconn.edu/map_catalog.asp) (depicts roads, choose town and a natural drainage basin map).

7. Enter the name of the individual applying for, petitioning, or receiving the action.
8. Enter the name and address or location of the action/project/activity. Check if the action/project/activity is TEMPORARY or PERMANENT in nature. Also provide a brief DESCRIPTION of the action/project/activity. It is always best to provide as much information as possible (for example, don't state "forestry," provide details such as "20 acre forest harvest, permit required for stream crossing.")

9. Carefully review the list below and enter ONLY ONE code letter which best characterizes the action/project/activity. All state agency projects must code "N."

- |  |  |
|--|--|
| <b>A</b> = Residential Improvement by Homeowner                  | <b>I</b> = Storm Water / Flood Control   |
| <b>B</b> = New Residential Development for Single Family Units   | <b>J</b> = Erosion / Sedimentation Control   |
| <b>C</b> = New Residential Development for Multi-Family / Condos | <b>K</b> = Recreation / Boating / Navigation   |
| <b>D</b> = Commercial / Industrial Uses                          | <b>L</b> = Routine Maintenance   |
| <b>E</b> = Municipal Project                                     | <b>M</b> = Map Amendment   |
| <b>F</b> = Utility Company Project                               | <b>N</b> = State Agency Project  |
| <b>G</b> = Agriculture, Forestry or Conservation                 | <b>P</b> = Other (this code includes the approval of concept, subdivision or similar plans with no-on-the-ground work) |
| <b>H</b> = Wetland Restoration, Enhancement, Creation            |  |

10. Enter between one and four code numbers to best characterize the action/project/activity being reported. Enter "NA" if this form is being completed for the action of map amendment. You MUST provide code 12 if the activity is located in an established upland review area. You MUST provide code 14 if the activity is located beyond the established upland review area or no established upland review area exists.

- |  |   |
|--|---|
| <b>1</b> = Filling   | <b>8</b> = Underground Utilities Only (no other activities)             |
| <b>2</b> = Excavation  | <b>9</b> = Roadway / Driveway Construction (including related culverts) |
| <b>3</b> = Land Clearing / Grubbing (no other activity)            | <b>10</b> = Drainage Improvements                                       |
| <b>4</b> = Stream Channelization                                   | <b>11</b> = Pond, Lake Dredging / Dam Construction                      |
| <b>5</b> = Stream Stabilization (includes lakeshore stabilization) | <b>12</b> = Activity in an Established Upland Review Area               |
| <b>6</b> = Stream Clearance (removal of debris only)               | <b>14</b> = Activity in Upland  |
| <b>7</b> = Culverting (not for roadways)                           |   |

**Examples:** Jurisdictional ruling allowing construction of a parking lot in an upland where the municipality does not have an established upland review area must use code 14, other possible codes are 2 and 10. Permitted construction of a free standing garage (residential improvement by homeowner) partially in an established upland review area with the remainder in the upland must use code 12 and 14, other possible codes are 1 and 2.

11. Leave blank for TEMPORARY alterations but please indicate action/project/activity is temporary under question #8 on the form. For PERMANENT alterations, enter in acres the area of wetland soils or watercourses altered. Include areas that are permanently altered, or are proposed to be, for all agency permits, denials, amendments, renewals, jurisdictional rulings, and enforcement actions. For those activities that involve filling or dredging of lakes, ponds or similar open water bodies enter the acres filled or dredged under "open water body." For those activities that involve directly altering a linear reach of a brook, river, lakeshore or similar linear watercourse, enter the total linear feet altered under "stream." Remember, these figures represent only the acreage altered, not the total acreage of wetlands or watercourses on the site. You MUST provide all information in ACRES (or linear feet as indicated) including those areas less than one acre. To convert from square feet to acres, divide square feet by the number 43,560. If this report is being completed for an agency jurisdictional ruling and detailed information is not available, provide an estimate. Enter zero if there is no alteration.
12. Enter in acres the area of upland altered as a result of an ACTIVITY REGULATED BY the inland wetlands agency, or as a result of an AGENT APPROVAL pursuant to CGS section 22a-42a(c)(2). Leave blank for TEMPORARY alterations but please indicate action/project/activity is temporary under question #8 on the form. Include areas that are permanently altered, or proposed to be permanently altered, for all agent approvals, agency permits, denials, amendments, renewals, jurisdictional rulings, and enforcement actions. You MUST provide all information in ACRES including those areas less than one acre. See directions above (#11) for conversion factor. If this report is being completed for an agent approval or an agency jurisdictional ruling and detailed information is not available, provide an estimate. Enter zero if there is no alteration.
13. Enter the acres that are, or are proposed to be, restored, enhanced or created for all agency permits, denials, amendments, renewals, jurisdictional rulings and enforcement actions. NOTE restored or enhanced applies to previously existing wetlands or watercourses. Created applies to a non-wetland or non-watercourse area which is converted into wetlands or watercourses. For created - question #10 must provide 12 and/or 14 as an answer, and question #12 must also be answered. You MUST provide all information in ACRES including those areas less than one acre. See directions above (#11) for conversion factor. Enter zero if there is no restoration, enhancement or creation.

**PART III: To Be Completed By The DEEP** - Please leave this area blank. Incomplete or incomprehensible forms will be mailed back to the municipal inland wetlands agency.



## Statewide Inland Wetlands & Watercourses Activity Reporting Form

Please complete and mail this form in accordance with the instructions.  
If completing by hand - please print and use the [pdf version](#).  
Incomplete or incomprehensible forms will be mailed back to the municipal inland wetlands agency.

### PART I: Must Be Completed By The Inland Wetlands Agency

- DATE ACTION WAS TAKEN: year: [Click Here for Year](#) month: [Click Here for Month](#)
- CHOOSE ACTION TAKEN (see instructions for code): [Click Here to Choose a Code](#)
- WAS A PUBLIC HEARING HELD (check one)? yes  no
- NAME OF AGENCY OFFICIAL VERIFYING AND COMPLETING THIS FORM:  
(type name) \_\_\_\_\_ (signature) \_\_\_\_\_

### PART II: To Be Completed By The Inland Wetlands Agency Or The Applicant

- TOWN IN WHICH THE ACTIVITY IS OCCURRING (type name): **Weston**  
does this project cross municipal boundaries (check one)? yes  no   
if yes, list the other town(s) in which the activity is occurring (type name(s)): \_\_\_\_\_, \_\_\_\_\_
- LOCATION (click on hyperlinks for information): [USGS quad map name](#): **107 Norwalk North** or [quad number](#): \_\_\_\_\_  
[subregional drainage basin number](#): **7203-00**
- NAME OF APPLICANT, VIOLATOR OR PETITIONER (type name): **Mahirwan & Kavita Bhagia**
- NAME & ADDRESS OF ACTIVITY / PROJECT SITE (type information): **119 Old Hyde Road, Weston, CT 06883**  
briefly describe the action/project/activity (check and type information): temporary  permanent  description: \_\_\_\_\_  
**Re-establish vegetative buffer to wetlands, remove dead and fallen trees, reconstruct stone wall, lawn in upland**
- ACTIVITY PURPOSE CODE (see instructions for code): **A**
- ACTIVITY TYPE CODE(S) (see instructions for codes): **3, 12, [Click for Code](#), [Click for Code](#)**
- WETLAND / WATERCOURSE AREA ALTERED (see instructions for explanation, type acres or linear feet as indicated):  
wetlands: **0.00** acres open water body: **0.00** acres stream: **0.00** linear feet
- UPLAND AREA ALTERED (type acres as indicated): **0.32** acres
- AREA OF WETLANDS / WATERCOURSES RESTORED, ENHANCED OR CREATED (type acres as indicated): **0.00** acres

DATE RECEIVED:

### PART III: To Be Completed By The DEEP

DATE RETURNED TO DEEP:

FORM COMPLETED: YES NO

FORM CORRECTED / COMPLETED: YES NO

119 Old Hyde Road, Weston, CT

<b>PLANT LIST</b>						
<b>Sym.</b>	<b>Qty.</b>	<b>Common Name</b>	<b>Latin Name</b>	<b>Size</b>	<b>Spacing</b>	<b>Comments</b>
<b>TREES</b>						
to	10	northern white cedar	<i>Thuja occidentalis</i>	6'-7' B&B	12' OC	Evergreen; Wildlife Cover - Winter/Songbirds
pv	1	Choke Cherry	<i>Prunus virginiana</i>	2"-2.5" B&B	20' OC	Deciduous; Wildlife Food - Summer
cf	1	flowering dogwood	<i>Cornus florida</i>	2"-2.5" B&B	20' OC	Deciduous; Wildlife Food - Fall/Songbirds
qb	1	Oak (Swamp White)	<i>Quercus bicolor</i>	2"-2.5" B&B	40' OC	Deciduous; Wildlife Food - Fall
ua	1	American Elm	<i>Ulmus americana</i>	2"-2.5" B&B	35' OC	Deciduous; Wildlife Food - Spring
ar	2	Red Maple	<i>Acer rubrum</i>	#15	35' OC	Deciduous; Wildlife Food - Spring
<b>SHRUBS</b>						
ac	3	serviceberry	<i>Amelanchier canadensis</i>	5'-6' B&B	6' OC	Wildlife Food - Summer/Songbirds
sc	3	common elderberry	<i>Sambucus canadensis</i>	#3	6' OC	Wildlife Food - Fall/Songbirds
iv	4	winterberry	<i>Ilex verticillata</i>	#3	4' OC	Wildlife Food - Winter/Songbirds
ca	9	Sweet Pepperbush	<i>Clethra alnifolia</i>	#5	4' OC	Wildlife Food - Summer/Butterflies
rv	3	Swamp Azalea	<i>Rhododendron viscosum</i>	#5	6' OC	Wildlife Food - Spring/Butterflies
<b>PERENNIALS</b>						
ai	18	Swamp Milkweed	<i>Asclepias incarnata</i>	#1	2' OC	Wildlife Food - Summer/Butterflies
em	19	Joe pye weed	<i>Eupatorium maculatum</i>	#2	2' OC	Wildlife Food - Summer-Fall/Butterflies
ls	12	Great Blue Lobelia	<i>Lobelia siphilitica</i>	#1	2' OC	Wildlife Food - Summer/Butterflies
lc	12	Cardinal Flower	<i>Lobelia cardinalis</i>	#1	2' OC	Wildlife Food - Summer/Butterflies
ly	24	Fringed Loosestrife	<i>Lysimachia ciliata</i>	#1	1' OC	Pollinators - Summer-Fall
mv	20	Virginia Bluebells	<i>Mertensia virginica</i>	#1	1' OC	Wildlife Food - Spring/Butterflies
vv	10	Culver's-root	<i>Veronicastrum virginicum</i>	#1	3' OC	Pollinators - Summer-Fall/Butterflies

2/48  
2/10

PLEASE TO RETURN:

REESE, HIRSCH, SHOULTS  
& HARRISON, LLC  
Attorneys at Law  
470 Main Street, Suite 305  
Ridgefield, CT 06877

WARRANTY DEED  
(Statutory Form)

Richard H. Orenstein and Diana L. Vytell of Sarasota, Florida for Seven Hundred Sixty-five Thousand Dollars (\$765,000.00) grant to Mahirwan Bhagia and Kavita Bhagia, of 5131 Avalon Drive, East, New Canaan, Connecticut and to the survivor of them and to the survivors heirs and assigns forever with WARRANTY COVENANTS:

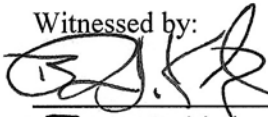
ALL THAT CERTAIN tract of parcel of land described on Schedule A attached hereto.


Said premises are further SUBJECT TO the following:

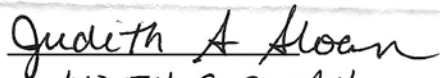
- 1. Any and all zoning and/or building restrictions, limitations, regulations, ordinances, and/or laws; any and all building lines; and all other restrictions, limitations, regulations, ordinances and/or laws imposed by any governmental authority and any and all other provisions of any governmental restrictions, limitations, regulations, ordinances and/or public laws.
- 2. Real Property Taxes on the Current Grand List and any and all existing tax payments, municipal or association liens and assessments, coming due on or after the date of closing; the grantee shall by acceptance of the deed assume and agree to pay, any and all such tax payments, liens and assessments which may on or after the date hereof be assessed, levied against or become a lien on the Premises.
- 3. Riparian rights of others in and to any stream or body of water adjoining or passing through the premises.
- 4. Notes shown on survey filed as Map 1603 in the Weston Land Records.


Signed this 12 day of November 2008

Witnessed by:

  
Bruce D. Katz

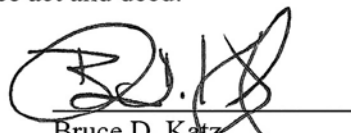
  
Richard H. Orenstein


  
JUDITH S SLOAN

  
Diana L. Vytell

State of Connecticut )  
  )ss. Westport  
County of Fairfield )

The foregoing instrument was acknowledged before me this 12 day of November 2008 by Richard H. Orenstein and Diana L. Vytell as their free act and deed.

  
Bruce D. Katz,  
Commissioner of the Superior Court

CONVEYANCE TAX RECEIVED  
  
TOWN CLERK OF WESTON

S = \$3825.00

4 = \$1912.50

Schedule A  
Property Description

All that certain parcel or tract of land, together with the buildings thereon, situated in the Town of Weston, County of Fairfield and State of Connecticut, in quantity 2.001 Acres, designated as Parcel "A" on "Map of Parcel "A" and "B" prepared for G. Warfield Hobbs, Weston, Conn.," which map is on file in the Weston Town Clerk's Office as Map 1603 and bounded:

- NORTHERLY: By land now or formerly of Alger D. Beal and Elizabeth H. Beal 190.87 feet;
- EASTERLY: By Parcel "B" 462.32 feet;
- SOUTHERLY: By Lord's Highway 158.33 feet;
- SOUTHWESTERLY: By the junction of Lord's Highway and Hyde Road, 41.39 Feet.
- WESTERLY: By Hyde Road, 450.85 feet.

RECEIVED FOR RECORD  
At \_\_\_\_\_

NOV 13 2008 AT 3:35 PM

Attest *[Signature]*

July 17, 2023

## Soil Scientist Report Inland Wetland and Watercourse Delineation 119 Old Hyde Road Weston, CT

### Introduction

An on-site investigation of the property at **119 Old Hyde Road in Weston, CT** was conducted on May 10<sup>th</sup>, 2023. The purpose of the site investigation was to identify and delineate Connecticut Inland Wetland and Watercourse resources (“resources”) on the project site. The project site is a two-acre residential parcel, on which portions include the following: a residence, driveway, and lawn areas. The property is depicted on the Town of GIS Assessor map attached herein as **Figure 1**.

### Regulatory Applicability

According to the Connecticut General Statutes (CGS Sections 22a-36 to 22a-45), inland wetlands are defined as poorly drained, very poorly drained, floodplain and alluvial soils as delineated by a soil scientist. Watercourses are rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private. The limits of federal wetlands are determined by the presence of three parameters: the presence of Hydric soils, a preponderance of hydrophytic vegetation, and supportive hydrology. Intermittent Watercourses are recognized by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: 1) evidence of scour or deposits of recent alluvium or detritus, 2) the presence of standing or flowing water for a duration longer than a particular storm incident, and 3) the presence of hydrophytic vegetation.

### Existing Information Regarding Mapped Resources

According to the Natural Resource Conservation Service (NRCS) web-based soil survey, the soils on the site are mapped as belonging to the Canton and Charlton fine sandy loams soil series (**Figure 2**). The NRCS defines these soils as follows:

**Charlton:** The Charlton series “consists of very deep, well drained soils formed in loamy melt-out till. They are nearly level to very steep soils on moraines, hills, and ridges. Slope ranges from 0 to 60 percent. Saturated hydraulic conductivity is moderately high or high”<sup>1</sup>.

**Canton:** The Canton series “consists of very deep, well drained soils formed in a loamy mantle underlain by sandy till. They are on nearly level to very steep moraines, hills, and ridges. Slope ranges from 0 to 45 percent. Saturated hydraulic conductivity is moderately high or high in the solum and high or very high in the substratum”<sup>2</sup>.

The Town of Weston GIS mapping depicts a watercourse transecting the east side of the property.

---

<sup>1</sup> [https://soilseries.sc.egov.usda.gov/OSD\\_Docs/C/CHARLTON.html](https://soilseries.sc.egov.usda.gov/OSD_Docs/C/CHARLTON.html)

<sup>2</sup> [https://soilseries.sc.egov.usda.gov/OSD\\_Docs/C/CANTON.html](https://soilseries.sc.egov.usda.gov/OSD_Docs/C/CANTON.html)



The United States Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) On-line Wetlands Mapper does not depict any wetlands or watercourse features on the site (**Figure 3**).

## On-site Findings and Conclusions

The evaluation for the presence of wetland and watercourse resources was conducted by walking the property and examining the soil and watercourse features on the site. Observations confirmed the presence of a vegetated wetland bisected by a watercourse on the property. This watercourse originates from an off-site source and flows under Lords Highway to the south of the site. As it emerges from the culvert under Lords Highway to flows northerly along much of the eastern side of the property. The hydrology of the site's watercourse that would identify its subsystem in the hierarchal classification could not be confirmed from a single site visit. But it appears that the watercourse is likely classified as a Riverine Intermittent Streambed (R4SB) watercourse, with a variable substrate. Using the Cowardin (1979) Classification System, these terms are defined by the NWI as follows:

The **System Riverine (R)** is used to describe *“all wetlands and deep-water habitats contained within a channel, with two exceptions: (1) wetlands dominated by trees, shrubs, persistent emergents, emergent mosses, or lichens, and (2) habitats with water containing ocean-derived salts of 0.5 ppt or greater. A channel is an open conduit either naturally or artificially created which periodically or continuously contains moving water, or which forms a connecting link between two bodies of standing water”*.

The **Subsystem “intermittent” (4)**: *“includes channels that contain flowing water only part of the year. When the water is not flowing, it may remain in isolated pools or surface water may be absent”*.

The Class “Streambed” (SB) Includes all wetlands contained within the Intermittent Subsystem of the Riverine System.

The NWI further classified intermittent streams by their streambed characteristics. The upper reaches of the streambed contain sand and mud. As the stream flows downgradient (northerly ) along the eastern side of the property, the gradient increases and the stream cuts through a forested upland. The channel in the higher gradient stream is composed of a mixture of boulder and cobble, partially embedded in gravel and sand.

The vegetated wetland borders the upper reaches of the watercourse. Using the Cowardin (1979) Classification System, the wetland would be classified as a Palustrine Forested Broad-leaved Deciduous seasonally saturated wetland (PFO1E).

These terms are defined by the NWI as follows:

**System Palustrine (P)**: *“The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt”*.

**Class Forested (FO)**: *“Characterized by woody vegetation that is 6 m tall or taller”*.

**Subclass Broad-Leaved Deciduous (1)**: *“Woody angiosperms (trees or shrubs) with relatively wide, flat leaves*

that are shed during the cold or dry season; e.g., black ash (*Fraxinus nigra*)”.

**Water Regime Seasonally Flooded/Saturated (E):** “Surface water is present for extended periods (generally for more than a month) during the growing season, but is absent by the end of the season in most years. When surface water is absent, the substrate typically remains saturated at or near the surface”.

The western limits of this system (i.e., the watercourse and the western limits of the bordering vegetated wetlands) were delineated with a series of flagging alpha-numerically labeled as **LT-A-1 through LT-A-29 Open**.

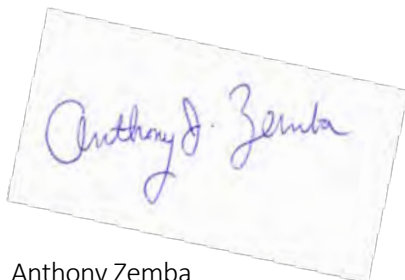
Within the vegetated wetland, hydrophytic vegetation includes Red Maple (*Acer rubrum*) and American Elm (*Ulmus americana*) in the tree layer, and Skunk Cabbage (*Symplocarpus foetidus*), Jewelweed (*Impatiens capensis*), Sensitive Fern (*Onoclea sensibilis*), and Curly Dock (*Rumex crispus*) in the herbaceous layer.

Streamside vegetation consisted of a dense shrub layer composed of Multiflora rose (*Rosa multiflora*), Japanese Barberry (*Berberis thunbergii*) and Winged Euonymus (*Euonymus alatus*). Shagbark Hickory (*Carya ovata*), Sugar Maple (*Acer saccharum*), and Northern Red Oak (*Quercus rubra*) occur in the upland tree layer adjacent to the watercourse.

The approximate locations of the flagged resource limits bordering the linear watercourse resource on the site are shown on the attached sketch.

Questions regarding the information contained herein can be directed to the undersigned at [Azemba@landtechconsult.com](mailto:Azemba@landtechconsult.com).

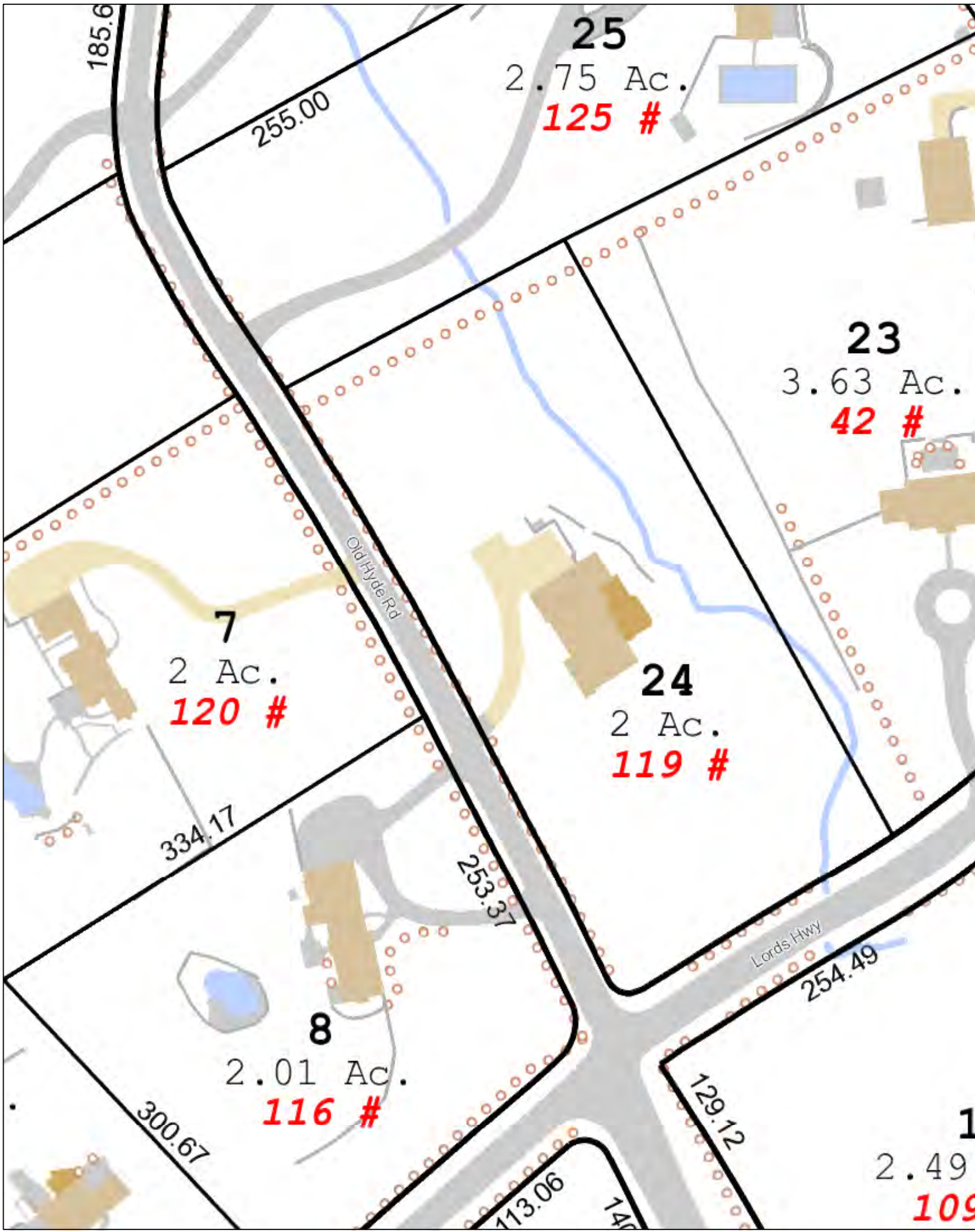
Very Truly Yours,  
LANDTECH



Anthony Zemba  
Certified Ecologist / Soil Scientist

Cc: file T:\1. Active Projects\ 22108-01 – 119 Old Hyde Road, Weston, CT\Reports\Wetlands

# Town of Weston, CT

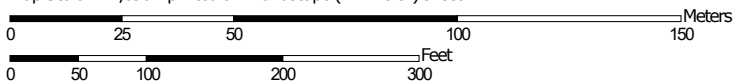




Soil Map—State of Connecticut  
(119 Old Hyde road, Weston, CT)



Map Scale: 1:1,690 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84



## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

### Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

### Water Features



Streams and Canals

### Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

### Background



Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

**Warning:** Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: State of Connecticut  
Survey Area Data: Version 22, Sep 12, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

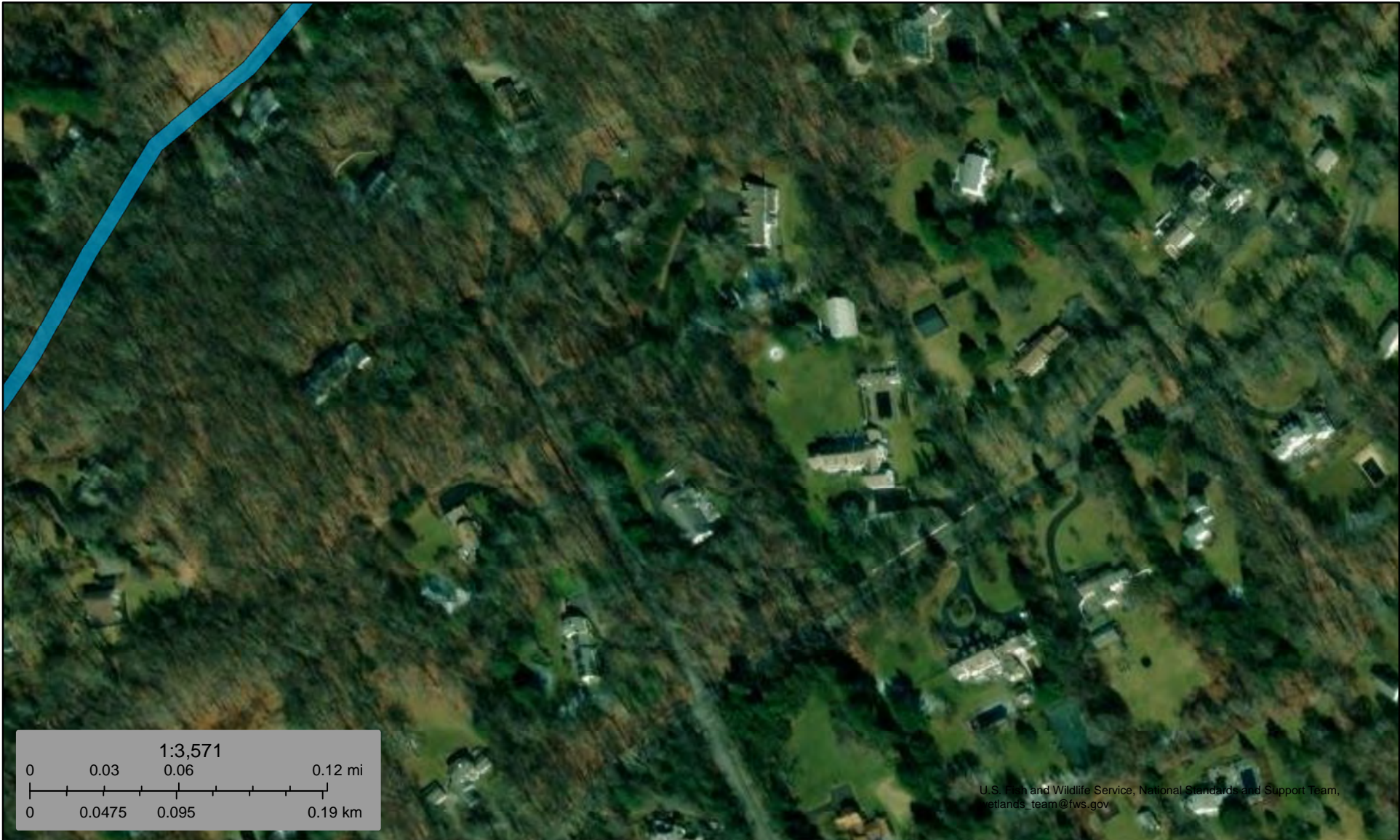
Date(s) aerial images were photographed: Oct 21, 2022—Oct 27, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
45A	Woodbridge fine sandy loam, 0 to 3 percent slopes	0.4	3.6%
60B	Canton and Charlton fine sandy loams, 3 to 8 percent slopes	3.8	33.8%
60D	Canton and Charlton soils, 15 to 25 percent slopes	0.6	5.1%
61B	Canton and Charlton fine sandy loams, 0 to 8 percent slopes, very stony	4.2	37.9%
84B	Paxton and Montauk fine sandy loams, 3 to 8 percent slopes	2.2	19.6%
<b>Totals for Area of Interest</b>		<b>11.2</b>	<b>100.0%</b>





July 17, 2023

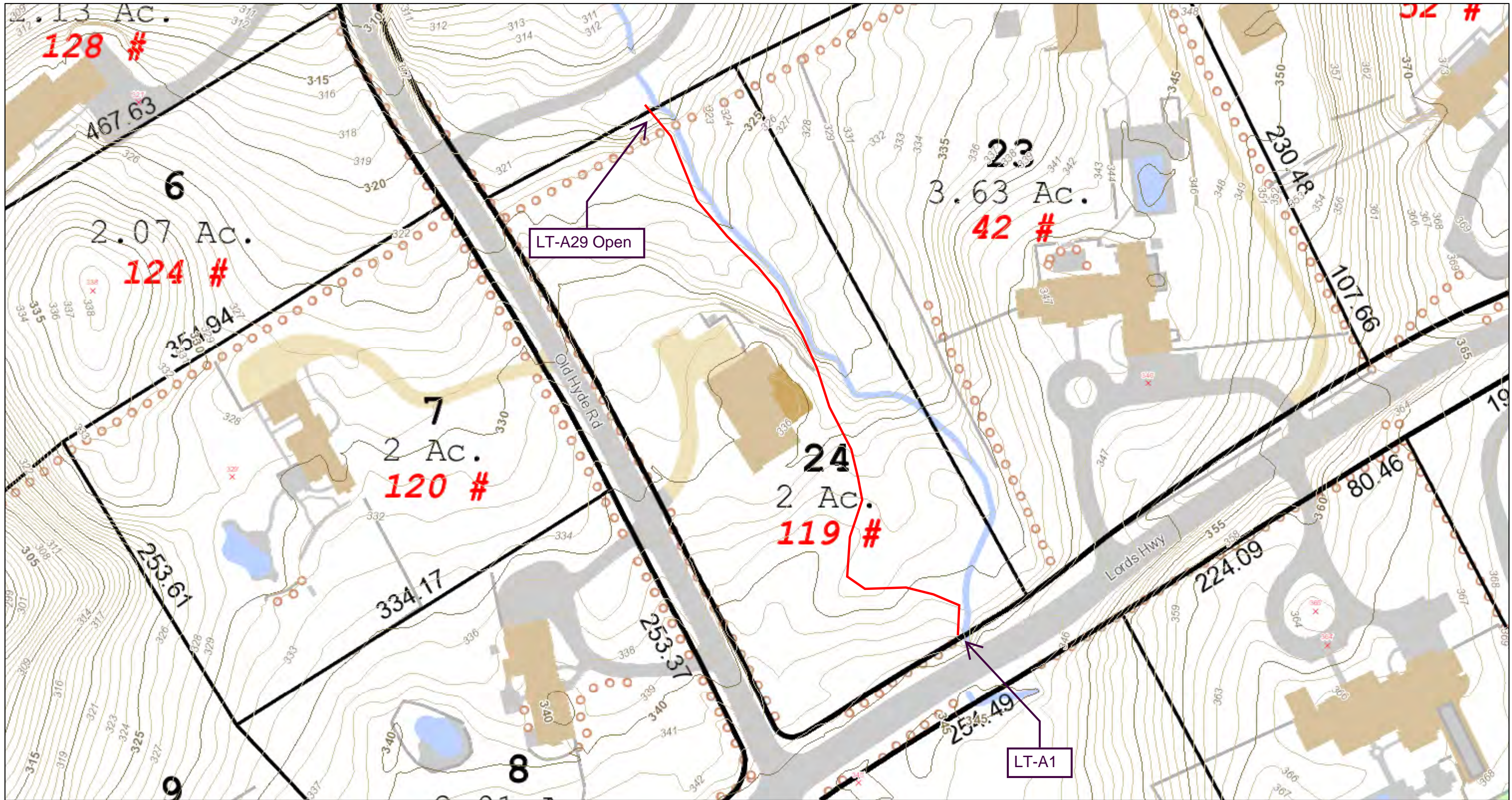
**Wetlands**

- Estuarine and Marine Deepwater
- Freshwater Emergent Wetland
- Lake
- Estuarine and Marine Wetland
- Freshwater Forested/Shrub Wetland
- Other
- Freshwater Pond
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

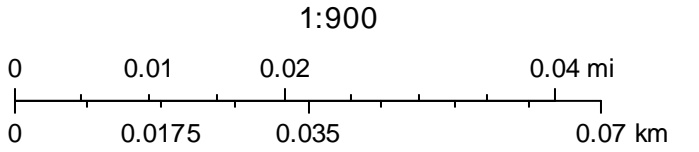


FIGURE 4 - Wetland Delineation Sketch Map - 119 Old Hyde Road, Weston, CT



July 17, 2023

Wetland Delineation Sketch  
119 Old Hyde Road  
Wetlands Delineated by Anthony J. Zemba  
Professional Soil Scientist with LANDTECH  
Delineation conducted on May 10th, 2023



USDA - NRCS