

MEMBERS PRESENT:

Michiel Zegers, Ted von Rosenvinge, Robert Turner, Sarah Schlechter, Ed Schwarz, Jim Smith and Michael Reiner

Also: Dave Pattee, Conservation Planner

The Public Hearing of the Weston Conservation Commission opened at 7:30 p.m. and the Board Secretary read the Legal Notice into the record.

Sarah Schlechter noted for the record that she would be recusing herself from this matter as she has previously expressed an opinion publically.

PUBLIC HEARING/DISCUSSION/DECISION: TOWN OF WESTON, MOORE PROPERTY, MAP 17, BLOCK 1, LOT 17, LORDS HIGHWAY EAST, PROPOSED WESTON DOG PARK

John Conte, Town Engineer came forward and presented the original plan that had the entrance coming off of Davis Hill road which was located closer to wetlands and noted that the Commission approved that application. He stated that the opposition brought in two professional planners and made comments that they felt the access way was not wide enough, there were not enough parking spaces and the turn-around was not adequate. The Selectmen then asked if there were alternative locations for access to the property and after looking at other locations on Davis Hill it was established that the entrance could be from Lords Highway East. Mr. Conte pointed out that the location of the dog park has not changed, just the proposed entrance. Based on the comments from the opposition's planners they revised the plan which calls for a larger roadway 1,280 ft. in length, 20 ft. wide and has an emergency cul-de-sac in the center of the property. He also noted that now the closest point to the wetlands has increased to 520 ft. Mr. Conte also explained that they have also increased the drainage system to accommodate any additional runoff and pointed out on the construction sequence where they are putting the rechargers. Mr. von Rosenvinge questioned whether Mr. Conte felt there would be any impact to the wetlands and Mr. Conte stated that there would not be any impact on the wetlands. Mr. Conte pointed out that in between the parking area and the wetlands are 2 stone walls 330 feet apart which act as check dams and the distance from the top wall to the wetlands is 520 feet. There would be no impact due to the infiltration, evaporation, the walls and distance to the wetlands. He also explained that the fencing around the park has not changed from the original submission and they still plan on keeping the park in its natural state with no trees being cut, they will only clean out the dead trees and trim limbs.

Attorney Steve Nevas, representing nine Intervenors, came forward and stated that they have filed papers under Section 22a19 to intervene and they maintain that the application should be denied under statute that it would unreasonably pollute, impair and destroy the natural resources of the state. He noted that he has not seen the new information provided by Mr. Conte to the Commission and would like the opportunity to review that material and respond. He stated that they believe there are unmapped wetlands and water courses on property and others that are caused by drainage and flooding from the Moore property and the property cannot handle rainfall and groundwater on the property. Attorney Nevas stated that they believe they are dealing with a

perched water table which results in flooding on the Moore property, on the adjacent property and under and across Lords Highway East and affects the people that live there. He noted their tree expert counted 124 trees that would need to be removed and does not think that the Town fairly represented the size of a lot of those trees and pointed out that the root systems on either side of the driveway could be affected. He also stated that they have an issue with millings proposed to be put on 1,280 sq. ft. roadway and area for 22 parking spaces and noted a Connecticut DEP report that states that millings smaller than 4" have the potential to leach toxic chemicals. Attorney Nevas also addressed a drainage map provided by Mr. Conte which shows the proposed driveway area is part of the Saugatuck watershed reservoir and expressed concerns that the millings could have negative impacts to the watershed and also the trees in the surrounding area. Discussion with Commissioners ensued.

Attorney Nevas then addressed the report from Trinkaus Engineering that states that the property has a perched water table which causes the upper layers of the soil to become very saturated during times of heavy rainfall which causes more run-off. He also spoke to a report the Town had done previously when there was talk about putting a cemetery on the Moore Property which stated that the perched soil would be inadequate for cemetery lots. Mr. Schwarz questioned whether perched water table creates a wetland pointed out that wetlands are based on soil types. Discussion continued.

Sid Dudash, 26 Lords Highway East, adjacent neighbor, came forward and stated that he has lived there for 71 years and presented numerous pictures showing the area. His concern is that it floods currently and when the park is built there will be additional runoff onto his property.

Attorney Nevas explained that the dog park is on a slope right above a drop off to the wetlands and questions that the waste from the urine and if people don't pick up, it could eventually seep into the wetlands. Mr. Schwarz stated that the Commission would need a report from an expert to counter the Town's report from the Health Department that there would be no effects of the waste on the wetlands.

John Matluck, 11 Lords Highway East, came forward and stated that he has lived there for 24 years and presented videos of the runoff and water flow which occurred during the recent heavy rainfall. He indicated that his driveway is across the street from where the proposed dog park driveway is and showed on the video where the water runs during heavy rains. He also indicated on a video the water running down towards Davis Hill and towards the reservoir. His concern is also that there is already lots of water flowing and ponding and it will get worse if the dog park goes in.

Attorney Nevas then noted that one of the Commission's charges is whether there are reasonable alternatives to the proposal and noted three, including the transfer station which wouldn't require removal of trees and would have limited environmental effects. Mr. Zegers noted that the Commission is only to consider alternatives related to impact on the wetlands, not whether it's a better location.

Dennis Savitzky, 184 Davis Hill Road, came forward and indicated the location of his house and stated that in 2010-11 he spoke to Fred Anderson when he had major flooding in their crawl space and it was clearly coming off the Moore property and Fred showed him a watercourse that

started at the Moore property and ran in front of Mr. Matluck's house and then parallel to Davis Hill Road and onto his property. He also has a 40" pipe under Davis Hill Road on the left side of his property and questioned why the Town would put that there if there wasn't a watercourse. He also expressed concern that the runoff would get worse and with the origin of the millings that would be used for the dog park.

Mark Harper, came forward and gave a history of the property adjacent to the Moore property and the Moore property. All of the property on Davis Hill Road up to Lords Highway East was owned by the water company. In order for them to sell that property, the water company had to prove to the State and Federal Government that none of the water coming off those properties is leaking into the reservoir and not part of the watershed. He also pointed out that Mr. Dudash was asked by the prior First Selectman to stop cutting trees and brush on the Moore property and he has created the problem himself because of the clear cutting and planting of grass. He also addressed the pictures of the water running off the Moore property and stated that the water is not able to seep into the ground because of the frost. He also stated that one of the neighbors has broken through a stone wall and has been tearing up the logging road with quads which could also have an effect on the channeling of running water.

Frank Costello, 5 Lords Highway East, commented on Mr. Conte's comment regarding his day long visit at the Easton dog park noting that Easton's is on Sport Hill Road which is a very busy road, it is less than an acre which is only going to draw a certain number of people. He also noted that the City of South Windsor is currently in litigation with neighbors because of pollution from their dog park.

Bob Atkinson, 12 Lords Highway East, commented that the runoff is so substantial that the Town had to put in 2 catch basins to contain it. On his property, the hard pan comes and goes, and the reason the runoff is greater in hardpan area is what is bothering the whole system. He also noted that the location of the park is 300 ft. from his property line wonder what the effect of having installation that close to property line will somehow impact his land. He also hopes that there won't be lights.

Carly Welsh, 22 Richmond Hill Road, commented that all they can do is predict and if the Health Department's position is based on 100 percent compliance with picking up waste from your dog, it is not a realistic statistic. She noted that there are clean up days at dog parks, which indicates that 100 percent compliance cannot be relied upon. The EPA and Centers for Disease Control consider dog feces to be a contaminant and cannot be left within 200 feet of any watershed area.

Michele Halpin, 10 Norfield Farm Lane, commented on the 100 percent pickup noting that currently there are animals leaving feces on the property and she is not hearing any neighbors complain about the existing feces problem, they are only predicting a future feces problem.

Maria Proto, commented that of course there won't be 100 percent and other dog parks have clean up days and questioned where is the concern about Trout Brook? She stated that people hike through the Aspetuck Land trust and there is already a lot of feces on the trails and whoever walks their dogs on the Moore Property now don't pick up after their dogs.

David Maddock 55 Godfrey Road West, stated that he does not live near where the proposed park is and he has been in town for 40 years and questioned why, if there are 3 proposed sites, why can't they investigate that instead?

Mr. Zegers noted that there is concern about cutting down trees, why can't they use the existing road there and not have to remove any trees. Mr. Conte explained that it is too close to Mr. Atkinson's property. He also stated that if there is a ban on the use of millings then they can go with asphalt. Mr. Conte also submitted for the record a package from one of the opponents and pointed out the second page which states from two highly qualified experts from the State that there is no health hazards from urine or feces as long as it is a regulated dog park.

Bob Kasen, 27 Farrell Road, stated that the Westport Weston Health District has never given approval for the dog park. The letter that was referred to was written in March 2017 as part of the original submission and the word approval isn't anywhere on that letter. He also expressed concern about millings being used on the road and parking lot and we won't know what can happen until it causes problems. He also stated that he does not believe the Town has made a strong case for the Commission to consider approval.

Hearing no additional comment the Commission continued the public hearing to March 26, 2018.

APPROVAL OF MINUTES

Mr. Zegers made a motion to approve the Minutes from January 25, 2018 and February 10, 2018 and Mr. von Rosenvinge seconded. All in favor, the motion carried (6-0).

MOTION TO ADJOURN

Mr. Smith made a motion to adjourn the meeting and Mr. Turner seconded. All in favor, the meeting adjourned at 10:20 p.m.

Respectfully submitted,

Delana Lustberg
Recording Secretary