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TOWN OF WESTON
OFFICE OF LAND USE DIRECTOR

CONSERVATION COMMISSION MINUTES FOR APRIL 26, 2018 PAGE #18-10

MEMBERS PRESENT:

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

The meeting of the Weston Conservation Commission opened at 7:00 p.m.

DISCUSSION/DECISION LUYS TERBORGH S & VAN BRUMMELEN, 5 GARDEN ROAD,
TWO CAR GARAGE AND OFFICE WITH BEDROOM
ABOVE (STONE Y-DISSTON ARCHITECTS, LLC)

Jeanne Stony-Disston, Architect, came forward and explained that the application is for a two car garage and office with a bedroom above. She noted that this proposal was originally approved by the Commission in 2005 when she actually owned the house. She indicated the location of the garage with a one story home office in the back and a bedroom on the second floor of the front of the garage. She also showed the wetlands line on plans. Ms. Stony-Disston stated that the office would have electricity but no plumbing. She also indicated the detention basin designed to capture any additional runoff. Ms. Schlechter explained that the Commission requires a double silt fence w/hay bales in the middle and asked her to revise the map to indicate that. Mr. Zegers posed a question regarding how much excavation would need to be done and where they plan to stockpile the dirt. Discussion ensued.

Following some discussion, the following motion was made:

MOTION FOR APPROVAL

Ms. Schlechter made a motion to approve the application for 5 Garden Road as shown on plans prepared by The Huntington Company, dated 3/14/18, revised 4/26/18 indicating the silt fence details and stockpile area, subject to the Standard Conditions A-G, and H. The applicant is to provide construction sequencing to the Conservation Planner. Mr. Schwarz seconded the motion. All in favor, the motion carried (6-0).

DISCUSSION/DECISION: LISA HOLZWARTH, 36 OLD REDDING ROAD, BARN

Steven Russell, Contractor, and Mr. and Mrs. Holzwarth came forward to present the proposal. Mrs. Holzwarth explained that they are proposing a 1.5 story barn to be used for storage and exercise room. It is 20' x 24' with an 8' wide lean-to and there will only be a foundation under the barn portion, not the lean-to, it will be on piers. Mr. Zegers then asked them to describe the proposed rain garden. Mr. Russell also noted that there will be no stockpile, all of the dirt will be going off site. Discussion ensued regarding removal of invasive species and replanting with native plants. There was also discussion of widening the planting buffer.

MOTION FOR APPROVAL

Mr. Reiner made a motion to approve the application for 36 Old Redding Road as shown on plans prepared by Stalker Land Surveying, Inc., dated 2/16/19 and the plan for the rain garden prepared by William Kenney, Soil Scientist, dated 3/26/18, subject to the Standard Conditions A-G. Mr. Zegers seconded. All in favor, the motion carried (6-0).

Sarah Schlechter recused herself from the meeting.

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

The Continuation of the Public Hearing opened at 7:39 p.m.

Mr. Zegers explained to the public that the purview of the Conservation is the protection of wetlands and watercourses and asked that they limit any comments or concerns related to that.

John Conte, Town Engineer, came forward and stated that they are proposing changes from the last meeting, one is a minor change to the information submitted on April 19th regarding the elevation of the trenches. The other change is an alternative roadway to save some more trees. They propose to align the roadway with the existing old wood road, it has been shortened a bit and there is no change to the parking. The entrance has moved to the East to satisfy concerns of the neighbor directly across the street. It will allow the preservation of 17 significant trees and they are now going to use ¾" stone mixed in with stone dust. Discussion ensued regarding drainage, catch basins and Cultec recharger.

Following questions from Mr. Schwarz, Otto Thiel, soil scientist, came forward to explain the difference between a watercourse and an intermittent channel. He stated he checked within a 100 feet of the parking area for wetlands and there are no wetlands or watercourses, and in the Intervenor's report they don't dispute that, and they both agree with the area further down the property closer to Davis Hill Road. Discussion ensued.

Robert Barneschi with WMC Consultant Engineers then came forward and described the proposed drainage plan and catch basin noting that it will create less runoff to the road than the current conditions. He then explained the reason for the increase in size of the culverts and that there will be a negligible increase of flow to the wetlands during heavy storm events and therefore no impact. Discussion ensued. Mr. Barneschi also stated that he did a test hole to see where the substrate restrictive layer was and found it at 29". Discussion continued.

Attorney Nevas and James McManus, soil scientist, came forward and stated that they visited the site twice, once in March and again last week. Mr. McManus stated that he viewed the entire parcel and found two new wetlands areas and indicated the locations on the plans. The closest one was 110 feet to the eastern end of the dog park and he pointed out that it is seasonally saturated but not a nutrient rich wetland. He also found a vernal pool habitat and indicated the location and presented pictures stating that it is a sizeable wetland and any additional nutrients could change the physical characteristics of the wetland. Discussion ensued.

Mr. McManus explained that he was not just concerned with the effect of the feces and urine, he was concerned that the use of the property could change the nature of the current condition which can increase runoff and have a high probability of an effect on the wetlands. The compaction of the soil will have an effect on the runoff. Discussion continued.

Mr. McManus then addressed the infiltrator noting that the tree roots are raised up which is an indication of a high water table. He dug a pit of 30" deep and in the vicinity of where the Cultecs are proposed and found high water at 24" and has concerns about the functionality of the infiltrator. He also commented on the letter from the Westport/Weston Health District which focused on drinking water and wells and did not take into account a sensitive wetland area. He then stated that it is their opinion that there is a reasonable risk that there will be unreasonable pollution from the dog park on and off site from the dog park and the Cultec. Mr. Nevas then asked Mr. McManus questions to get the information into the record. Mr. Zegers asked Mr. McManus if the dog park area was moved up to where the proposed parking area is, would that eliminate the issue of the runoff flowing into the wetlands and Mr. McManus indicated that it would.

Otto Thiel, soil scientist, came forward and stated that the scope of his work was not a biological study. He noted that he has done no research into dog parks and how likely they are to contaminate wetlands. He explained that his study was just to delineate the wetlands for the original proposal for the entrance off Davis Hill Road. He stated that he does not know how far from the dog park that wetland boundary is without going out and taking samples but agrees that it is in the area that Mr. McManus indicated.

Mr. Nevas submitted a video for the record of the flow of water during a recent rainstorm and the scouring that occurred after. The Commission decided to watch the video. Mr. Robert Casson, who took the video, explained what he had observed and indicated the locations on the plan.

Steven Trinkaus, PE, came forward and stated his credentials. He explained that while the Cultecs are not in the regulated area, they drain to the north and ultimately into the watercourse. He stated that the problem with the design of the Cultec system is two-fold, they are too deep in the ground and laid on a slope. It is his opinion that the Cultecs, as designed, will fail and will not reduce runoff volume. Mr. Trinkaus also noted that the processed stone on the driveway is not pervious and ruts in the road will direct the flow back down to the road. He then stated that a perc test has no bearing on the infiltration rate and should not have been used and explained his reasoning. Discussion ensued.

Robert Bardesci came forward to address the change that was made explaining that the infiltrator system had previously been shown as a straight line so they changed it to put a bend in to follow the contour and to stay above the groundwater level. He stated if the groundwater was higher he would use a closed system. He then explained how he came up with his calculations. He also addressed the processed aggregate roadway noting that a solution would be to pave a portion of the road, maybe the bottom 100-200 feet, so if any running were to occur it would run into the drainage swails.

Laura Stabell, from the Saugatuck River Watershed Association commented that the Town signed on to the Saugatuck River Watershed Act to protect the watershed area. She responded to a question posed by Mr. Schwarz about how many dogs it takes to cause harm stating that it would take one female dog. The urine will kill a spot in the grass and will saturate the soil with salts up to 6 inches down. Over time that much urine will end up killing the grass and killing trees. She also addressed bacteria and parasites that would end up in the Saugatuck River. She stated that the site is near pristine because there is no development above it. She noted that there are feasible and prudent alternatives and the park should be moved.

Mr. Zegers explained that the feasible and prudent alternatives would only apply to the same location, they could not find that alternatives exist on another property.

Sara Schlecter came forward and noted that she is speaking as a resident not a Commissioner. She addressed the comments that the site is pristine noting that uphill from the wetland and where the dog park is proposed is property with many houses, as well as a stable, so the site is not pristine.

Jim Kohler, Davis Hill Road stated that he moved here in 1952 in time for the big flood in the 1970s and is concerned about the removal of the trees, the parking lot, the road and the runoff ending up in the river and how the dog park will affect the continued flooding in the area.

Donia Anderson, Richmond Hill Road stated that if there is problem with the dog waste and the park needs to be cleaned, it requires bleaching and it has happened in multiple dog parks. The Commission should consider that 100 percent of dog feces will not be picked up on facility.

Ellen Strauss, noted that there are places in Weston that are already paved ground and why the Town did not choose one of those. Mr. Zegers explained that was not in the purview of the Commission. She stated that she founded Keep Weston Rural in 1984 to prevent this kind of thing from happening.

Mark Harper, Animal Control Officer, and addressed questions raised about pollution. He stated that he talked to associations in other towns, specifically Ridgefield, and no pollution has been reported. He explained that he will be in charge of ensuring that the dog park is kept clean. His job is to make sure that people are cleaning up waste. There will be rules and regulations in place and if they don't follow the rules and not clean up after their dogs there will be penalties. He will be patrolling on a regular basis and if the park is being abused he will ask to have the park closed until all issues are resolved.

Frank Costello, Lords Highway East, stated that he loves Weston but hates what he has seen on both sides of the dog park issue. He said this is the first he has heard about wires for cameras and gates and he is not convinced that unless someone is there the whole time it is open, how are they are going to control the park?

Leon Hirsch, Newtown Turnpike came forward and asked the purpose of the Commission if the Town has voted in favor of it. Mr. Zegers explained the purview.

Mr. McMorris then came forward and stated that he was disappointed on how the process done, as there were obvious wetlands that were not delineated. Mr. Nevas then noted the Town has represented that the alternate plan will save more trees but there has been no data on how many trees.

Harvey Bellin, Maple Street, stated that if Mark Harper says he will enforce the rules, he will enforce the rules. He also stated that Mark is reasonable. He finds it ridiculous that the Town Engineer undertook this process without looking to "golden showers" and the results of urination where it shouldn't be done. No one can claim that concentrating dogs in one area is not going to result in urine buildup which will destroy trees and wetlands. He also commented on the removal of trees.

First Selectman, Chris Spaulding came forward to explain why the positioning of the dog park was put in the center of the parcel stating that the reason was to be further away from the adjoining neighbors.

Bob Atkinson, came forward and asked what was the purpose of the hearing and Mr. Zegers explained that for him. After some additional questions, he stated that the Town should have stuck to the original plan.

Leslie Feller, Old Hyde Road Extension, stated that an important issue is the animals and wildlife which present a danger.

Zegers enumerated the Intervenor's concerns that a) the removal of trees will have a negative impact on the wetlands, b) there will be pollution by use of asphalt millings, c) there will be amplified runoff, ponding and flooding on the site and on adjacent properties, d) nearby properties are already flooded and eroded from the property, e) the Moore property is part of an established greenway and f) feasible and prudent alternatives exist. He also referred to the supplemental memorandum which stated concerns that the revised plan was not reviewed by the P&Z, the application is not complete in material ways, dog waste is reasonably likely to unreasonably pollute wetlands close to the proposed dog park, substantial number of trees which absorb rain water will be removed and the Town Engineer should have known about the seasonal high water table and that it is prone to flooding.

After some additional discussion regarding alternate locations for the dog park on the property, the following motion was made:

MOTION TO CLOSE PUBLIC HEARING

Mr. Zegers made a motion to close the Public Hearing and Mr. Smith seconded. All in favor, the Public hearing was closed at 10:15 p.m.

APPROVAL OF MINUTES

Mr. Zegers made a motion to approve the Minutes from March 22, 2018 and Mr. Schwarz seconded. All in favor, the motion carried (5-0).

MOTION TO ADJOURN

Mr. Zegers made a motion to adjourn the meeting and Mr. Smith seconded. All in favor, the meeting adjourned at 10:56 p.m.

Respectfully submitted,

Delana Lustberg
Recording Secretary

DRAFT