

CONSERVATION COMMISSION MINUTES FOR MARCH 17, 2016 PAGE #16-07

MEMBERS PRESENT:

Chairman Ed Schwarz, Vice-Chairman Catherine Minter, Robert Turner, James Smith, Ted von Rosenvinge and Sarah Schlechter

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Mr. Schwarz opened the March 17<sup>th</sup> meeting of the Weston Conservation Commission at 7:30 p.m.

DISCUSSION OF APPLICATION: ROGERS, 229 GOODHILL ROAD, NEW HOUSE

Larry Edwards, P.E. came forward to present the proposal. The plan is to tear down the existing residence and reconstruct a new house using the existing driveway. Mr. Edwards explained that the closest point to the wetlands is 40 ft. and the house is just barely within the 100 ft. regulated area. Mr. Schwarz questioned where the water goes and Mr. Edwards stated that the wetlands are at the same grade or above grade than the proposed house. The water is not going towards the wetlands, it is going down the driveway. He pointed out the proposed storm retention system that was designed based on calculations. Mr. Edwards also noted that there was a sump pump in the original house and there probably will be one in the new house. Mr. von Rosenvinge stated that he had walked the site and had no issues with the proposal.

MOTION FOR APPROVAL

Mr. Schwarz made a motion to approve the application for a new house as shown on plans prepared by J. Edwards & Associates and dated 2/4/2016 for 229 Goodhill Road, subject to the Standard Conditions A-I. Mr. von Rosenvinge seconded the motion. All in favor, the motion carried (6-0).

DISCUSSION/DECISION CONT.: DETERMINATION OF EXEMPTION FOR A FARM POND, CHESTNUT FARM, 227 LYONS PLAIN ROAD (VIVIAN SIMONS)

Mr. Schwarz noted that at the last meeting the Commission determined that they wanted to do a site walk. The site walk was canceled and now the applicant is not here. He stated that the burden of proof is on the applicant to determine whether the Commission can grant an exemption. The applicant would have had to come before the Commission and provide preponderance of evidence that the pond is essential for the farming operation. Mr. Schwarz stated that they have no information except a letter saying that they need water to irrigate crops. The Commission doesn't know if it would only be used in a drought situation, doesn't know if it is 16 ft. deep and 150 ft. long and if it would provide sufficient water during a drought. Mr. Turner stated that they only have the applicant's opinion that they don't have enough water and don't have evidence. Mr. Schwarz stated that information has not been provided regarding the flow of watercourse, no evidence that there is not going to be reclamation of wetlands or watercourse. He further stated that the applicant hasn't met the 3 conditions and it is their burden to meet. Mr. von Rosenvinge stated that there is a certain burden to show that logically what they want to do will address their need. Mr. Turner stated he doesn't think they've done what they need to do to

prove the need. Mr. Schwarz also questioned the source of the stream and does it come from other running water?

Hearing no additional discussion, the following motion was made:

MOTION TO DETERMINE NO EXEMPTION

Mr. Schwarz made a motion to make a determination of no exemption based on the lack of information proving the burden of the three criteria required to claim exemption. The applicant can come back with additional information. Mr. von Rosenvinge seconded. All in favor, the motion carried (6-0).

DISCUSSION/DECISION CONT: CEASE & DESIST ORDER, 15 SOUNDVIEW FARM ROAD SITE WORK, RE-GRADING AND FILL (CHIKUNI) (LAND TECH)

The discussion was continued to next month's meeting.

APPROVAL OF MINUTES

Mr. Schwarz made a motion to approve the Minutes from the February 18, 2016 meeting and Mr. von Rosenvinge seconded. All in favor, the motion carried (6-0).

MOTION TO ADJOURN

Mr. Schwarz made a motion to adjourn the meeting and Mr. von Rosenvinge seconded. All in favor, the meeting adjourned at 8:10 p.m.

Respectfully submitted,

Delana Lustberg  
Recording Secretary