

*Conservation/Inland Wetland Commission  
Town of New Fairfield  
4 Brush Hill Road  
New Fairfield, CT 06812*

*Regular Meeting  
August 21, 2007  
New Fairfield Senior Center 7:15 pm*

**Call to Order**

Pat Del Monaco called the meeting to order at 7:20pm.

**Members in Attendance**

Pat Del Monaco, Jennifer Licht, Gerry Schwalbe and Tom Quigley. Kim Hanson joined the meeting in progress.

Minutes were taken by Lisa Zustovich.

**Notice of Violations**

**18 Sunset Dr, Construction of rock wall near Candlewood Lake, Map 11, Block 2, Lot 7, Watson.** Application has been submitted. **Deferred to New Business.**

**20 Lake Drive South, Construction of stone wall near Candlewood Lake, Map 20, Block 1, Lot 68, David/Werlinich.** Owner has an application. **Deferred to New Business.**

**5 Lake Drive North, Excavating next to Candlewood Lake, Map 15, Block 1, Lots 5-7, Edwards.** Mr. Edwards present. Tim Simpkins was notified by CLA that the owner had placed gravel on a wet area in his backyard. Tim stated he didn't feel this needed a permit. Mr. Edwards stated he placed 3" and smaller River Stones to armor the bank to help with erosion. The area is sloped. He also planted a buffer to the left (Red twig dogwood and blueberries). Mr. Edwards has been in touch with Brian Wood from First Light. The Commission feels that no permit is needed. **Dismissed.**

**Tom Quigley made a motion to amend the agenda under New Business to include 20 Lake Drive South, second by Jennifer Licht, all in favor.**

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### **New Business**

**224 Route 37, site improvements, addition, AGP, Map 13, Block 6, Lot 11, Kunak.** Jeff Kunak present. The Commission informed Mr. Kunak that they need to see the following information:

- Distance of addition and pool to the wetlands
- Detail of construction for the addition
- Show septic on drawings
- Plan for grading and drainage
- Details on wall to be built

Gerry Schwalbe made a motion to accept the application for review, second by Jennifer Licht, all in favor. **Accepted for review & Continued.**

**Jennifer Licht made a motion to seat Kim Hanson, second by Gerry Schwalbe, All in Favor.**

**20 Lake Drive South, Construction of stone wall near Candlewood Lake, Map 20, Block 1, Lot 68, David/Werlinich.** Mr. David present. Originally a Notice of Violation. Work is done. Mr. David stated he built the wall to prevent further erosion. The Commission stated they need to see:

- The location of the septic and the well
- Dimensions of deck
- Location of hot tub
- Notify First Light

It was suggested to Mr. David that he re-submit his application when he has all the necessary information. The Commission feels this is an incomplete application. Kim Hanson made a motion to accept the application for review, second by Tom Quigley, all opposed. **Not Accepted.**

**18 Sunset Drive, Construction of rock wall near Candlewood Lake and Deck (2 separate applications), Map 11, Block 2, Lot 7, Watson.** No owner present. Construction of rock wall was originally a Notice of Violation. Deck application is new but the Commission feels both applications are incomplete. The Commission needs to see:

- Details of the wall as completed
- Location of wall and distance of wall to the wetlands
- Contours
- Details of deck and distance of deck to the wetlands

Tom Quigley made a motion to accept the application for review, second by Gerry Schwalbe, all opposed. **Not Accepted.**

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### Old Business

**58 Fairfield Drive, Drainage improvements and erosion, sediment control, Map 33, Block 1, Lots 102 & 103, Cioffelletti.** Owner present. No new information submitted. This application is out of time. Owner will withdraw and re-apply. **Withdrawn.**

**85 Pine Hill Road, Construction of Pond, Map 9, Block 1, Lot 2B, Reilly.** Mr. Reilly and Mr. Mellett present. Photos of area reviewed, fragmites discussed. Mr. Mellett stated that there is a plan to set up an Escrow Fund to manage invasives and maintain the area. Mr. Reilly stated there would be no stream flow into the pond under normal conditions. The pond would receive stream overflow only. Gerry Schwalbe noted that the stream may get stagnate and suggested Mr. Reilly construct a well to supply water to the pond. Tom Quigley walked the site and noted that the area is infested with fragmites. Tom stated he would like to see them build the pond without the flood diversion from the stream first and see how well the pond would fill. Mr. Reilly stated that in the Spring the water would overflow from the pond and spill into the stream. Kim Hanson stated he understood the reasons for controlling the fragmites but didn't understand what that had to do with building a pond. Jim Mellett said it would be a trade off.

The applicant has been in touch with DEP and the Army Core of Engineers but has not heard back from either yet. Pat Del Monaco stated she feels it is a functioning wetland now which would be destroyed with the pond. Gerry Schwalbe wanted to see information regarding the transition slope along the ponds edge (littoral area) and how it will be replanted. He also suggested that a time frame with regard to maintenance and managing the fragmites be included with the permit. Gerry Schwalbe and Kim Hanson both stated they would like to see future a obligation in place to continue managing fragmites. With regard to the diversion channel, the Commission agreed that they would like to see plans with no contact with the stream. At the next meeting the Commission wants to see:

- Flood diversion channel removed from the plan
- Details on habitable shelf area of pond (littoral area)
- Written plan for managing fragmites
- Show fill area on site
- Functionality of wetlands as it exists today

Applicant granted the Commission an extension on this application. **Continued.**

**52 Bogus Hill Road, Detached Garage, Map 11, Map 2, Lots 33 & 34.2, Graiff.** Mr. Graiff present and submitted a letter answering questions the Commission had at the last meeting. Distance of disturbance to the lake from the rear of the building is 77 feet. Sequence of construction and description of slopes provided. Proposed garage size is 24' x 28'. Drainage and run-off discussed. Access way to the garage will be pervious. Roof drainage-liters/gutters will not be directed towards the lake. Jennifer Licht made a motion to approve the application, second by Kim Hanson, all in favor. **Approved.**

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### **66 Woodcreek Road, Deck w/steps and RR steps, Map 20, Block 12, Lots 5 & 6, McEachen.**

Mr. Keith McEachen (resides at 77 Woodcreek Rd) and Mr. Dana McEachen (resides at 79 Woodcreek Rd) present representing their mother. Details of the steps provided. Soil Scientist report by Henry Moeller provided and reviewed. Mr. Keith McEachen stated there are no trees, ledge or rock in the area where the stairs are planned. Existing gully shown on map. Tom Quigley felt the gully had eroded significantly. Proposed project is on a piece of land that is a right of way to other residents in the area. Richard Johnson present. He resides right next to the right of way property and has right to use the property. He stated his well line runs into the area of the proposed stairs and packasandra are planted there. He rakes lives in the area to help insulated his well line so it doesn't freeze. Mr. Johnson states his well line is plastic and only 2 feet deep. He fears the water will freeze in the pipe during the winter if the stairs are built over it. He also stated that the steps would be built 10 feet from his house. Pat Del Monaco felt the well line was an issue and stated that it should be made clear to the Commission who has rights to this property and they should be included. Tim Simpkins suggested that the applicant sleeve and insulate the well pipe before building the stairs to resolve this issue. Keith McEachen stated he should have a survey by next months meeting showing the intermittent water course. Tom Quigley suggested the Commission members visit the site. The Commission agreed to visit the site before the next meeting. **Continued.**

**2 Cove Lane, Landscaping w/shed and gazebo, Map 25, Block 1, Lot 45, Mactas.** Genna Kupinska, Landscape Architect present. Plan to build a rustic gazebo for shade with flagstone terrace; foundation –sitting on ground with sonotudes to support it. Also plan a garden shed to store lawn mover and garden tools. Foundation will be cinderblock or same as gazebo. Ms. Kupinska proposed a 4 ft. vegetative buffer between the lake and existing lawn. Proposed plantings provided. First Light application has been filed. As per Ms. Kupinska, Brian Wood from First Light suggested Jedi's to help prevent erosion. Tom Quigley made a motion to approve the application, second by Gerry Schwalbe, all in favor. **Approved.**

**61 Sail Harbour Dr, Construction of a Pation by Candlewood Lake, Map 3, Block 3, Lot 14, Itzler.** Mr. Kevin McKenna present. Maps provided and reviewed. 440 line discussed. Brick patio (pavers) is 23' x 23'. All work is done. Patio is in a 65ft. conservation buffer strip that was a proposed buffer in the sub-division but not enforced. Tom Quigley made a motion to approve the application, second by Jennifer Licht. Pat Del Monaco, Tom Quigley and Jennifer Licht approved. Kim Hanson and Gerry Schwalbe opposed because of the conservation buffer. **Approved (3-2).**

**8 Windmill Road, Construction of steps, walls and landscaping by Candlewood Lake, Map 10, Block 1, Lot 34, Bayliss.** Richard and Kathleen Bayliss present. Work is done. Owners met with Brian Wood from First Light and received approval. Tom Quigley made a motion to approve the application, second by Kim Hanson, all in favor. **Approved.**

**18 & 22 Sunset Drive/Bogus Hill Tax District, Common drive drainage improvements, Map 11, Block 2, Lots 6 & 7. DeLuke/Watson.** No owner/representative present. **Continued.**

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### **Correspondence**

**Letter from Peter Young, granting an extension for 58 Fairfield Drive.** Done

**Letter from Michele Holmes, re: permit to build a retaining wall.** Michele Holmes present, representing the Miltenbergers, re: 160 Ball Pond Road. They would like to amend their existing permit to include a retaining wall to deal with runoff from the road. Ms. Holmes stated they want to lower the grade and bring up the retaining wall and plant between the wall and the road. Wall height would be 8' 5". They will have a sand bag buffer to keep dirt from the lake while digging. There will be trucks on site to load and remove fill while digging (no stock piling). It was also discussed that they would do native planting and put sand to the waters edge (no lawn). Tom Quigley made a motion to amend the original permit for 160 Ball Pond Road to include the retaining wall as detailed in the drawing submitted at this meeting and the area between the retaining wall and Ball Pond to be planted as shown on the drawings. Also a sand beach area (to waters edge) 42' x 15' as shown (no lawn). Plantings are to be approved by the EEO and 1 member of the Commission. Second by Jennifer Licht, all in favor. Amendment to existing permit as described **Approved.**

**Letter from CLA, re notification of 14 lot subdivision on Bear Mountain Rd, Danbury, Ct.** No discussion.

**Letter from Cit of Danbury, re: 65-67 Bear Mountain Rd, Danbury, Ct 14 lot sub-division.** No discussion.

**Letter from CACIWC re: membership and annual meeting.** Annual Meeting will be held on Nov. 10<sup>th</sup>. Commission members encouraged to attend.

**CFL News.** Commission members each have a copy. No discussion.

**Letter and Map from HVCEO.** Shows steep slopes & flood planes.

### **Administrative**

**Approve Legal Fees-** None

**Approve July 17, 2007 Meeting Minutes.** Tom Quigley made a motion to approve the 7-17-07 minutes, second by Gerry Schwalbe, all in favor, **Approved.**

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**Discuss Regulations, Fees & Application.** New fee schedule reviewed and discussed. Now it needs attorney review, then a public hearing. Plan to hold a Public Hearing for next month. By next month anyone who has any comments on the regulations should give them to Gerry Schwalbe.

**Conservation issues for the Town of New Fairfield.** Kim Hanson stated that the Youth Foundation is looking for conservation issues to address. They are looking for mentors. If someone on the Commission is interested they should let Kim Hanson know.

### **Adjournment**

Jennifer Licht made a motion to adjourn, second by Kim Hanson, all in favor. **Meeting adjourned at 10:20pm.**