

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

*Regular Meeting
December 11, 2007
New Fairfield Senior Center*

Call to Order

Pat Del Monaco called the meeting of the Inland Wetlands Commission to order at 7:25pm.

Members in Attendance

Pat Del Monaco, Tom Quigley, Gerry Schwalbe, Jennifer Licht and Jeff Main. EEO Tim Simpkins present. Minutes taken by Lisa Zustovich.

Notice of Violations – None

New Business – None

Old Business

32 Beaver Bog Rd, SFD, Map 13, Block 6, Lot 1.4, Griffin/Redecka. Deferred to Public Hearing.

160 Ball Pond Road, Tree removal, Map 34, Block 9, Lot 11.1+9, Miltenberger. Michele Holmes, agent for the owners was present. Tom Quigley and Jennifer Licht stated that they had visited the site. Tom Quigley stated he was appalled by the construction site appearance. He stated that the silt fences are practically down and noted buried sand bags. Tom also stated he noted small sand bags and bucks in the water. Mr. Quigley said he would like to see an arborists report or hear from an arborist regarding the health/condition of the tree that the owners want to take down. Michele Holmes stated they have cabled some of the tree limbs and 1 limb has broken off the tree. Ms. Holmes said the tree is rotting out. The Commission is concerned that there may be erosion issues if the tree and stump are removed. Also, if the stump is not removed it will eventually rot away which can also the lead to erosion. EEO Tim Simpkins suggested that they remove the limb that is hanging over the house and see if the tree survives. Ms. Holmes stated that erosion shouldn't be an issue since they have plans to build a staircase in the area where the tree is. [The owners have not yet submitted an application for the staircase.] Ms. Holmes will have an arborist contact Tim Simpkins. Pat Del Monaco asked Ms. Holmes how she plans to stabilize the septic site, Ms. Holmes stated she could use gravel. Tim Simpkins stated that the south side needs to be stabilized. The Commission informed Ms. Holmes that she can remove the limb over the house immediately. Pat Del Monaco and Tim Simpkins will meet with Ms. Holmes on site on Thursday, December 13, 2007 to discuss how to secure the site before the winter. Tim will contact both Pat and Michele with a time to meet. **Continued.**

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4 Fleetwood Drive, Piping in watercourse, grading and filling, Map 19, Block 1, Lot 1.66, Gordon. Mr. Gordon present. Jennifer Licht visited the site today (12/11/07). The Commission had no further questions. Jennifer Licht made a motion to approve the application, second by Gerry Schwalbe, all in favor except for Jeff Main who abstained. **Approved.**

9 Lakeshore South, SFD, Map 45, Block 1, Lot 31, Luberger/Yates, Agent. Mr. Yates, agent for the owners present. New plans supplied with erosion control plans and clarification of the seawall distance shown on maps as requested. It is fairly flat from the 440 out to the lake. Litter drains discussed, replacing existing 12" CMP with new 12", the plan shows 4" PVC litter footings. Richard Smith attorney representing Robert and Marianne Hayden who reside at 7 Lakeshore Drive present. The Hayden's house is to the left and sits lower than the 9 Lakeshore Dr. South property. During the Spring, towards the lake, the Hayden's property is very wet. They are concerned with run off onto their property from #9. Also there are some big old trees between the 2 properties near where the proposed driveway would go. The Hayden's believe they are on their property but are not sure. They worry these trees may get damaged or removed during construction. Mr. Yates stated he didn't believe they belonged to the Luberger's since the trees didn't show up on their A2 Survey. He said the trees would not be touched. The driveway would run near the trees, Jeff Main questioned what would happen to the trees saying the roots could potentially get "burned" due to a driveway being paved in close proximity to the tree. Mr. Yates said they planned to pave the driveway, but were open to alternatives to reduce the amount of impervious surface (i.e. pavers). Mr. Smith stated that the Hayden's were worried that the build up of the septic would cause additional run-off onto their property. Tom Quigley suggested running a swale along the property line to help with the run-off. Pat Del Monaco asked how the grade of the property was going to change when the septic system was installed. Mr. Yates stated it would come up about 3 1/2 feet. The septic system is 15 feet from edge of system to the property line. The Commission told Mr. Yates that they need to see the following:

- New plans from the engineer to deal with the drainage/runoff concerns from the slope (from the septic) onto the neighboring properties on both sides. (Commission wants to see no increase off-site.)
- Details on the Rain Garden.
- Alternate driveway plans-other than blacktop. **Continued**

5 Patterson Rd, SFD, Map 39, Block 9, Jackel, 7 Patterson Rd, SFD, Map 39, Block 9, Jackel, 7 Astoria Drive, SFD, Jackel, 9 Patterson Rd, SFD, Map 39, Block 9, Jackel

Mr. Jackel present along with his attorney, Mr. Richard Smith. New drawings supplied showing all 4 properties as request (5, 7 & 9 Patterson and 7 Astoria). These drawings were reviewed by the Commission. The Commission will discuss each application individually.

5 Patterson Rd- Pat Del Monaco noted that it is very steep behind the houses. Tom Quigley voiced concern regarding drainage and storm water runoff. 5 Patterson Road's proposed limit of disturbance is 15 feet. Gerry Schwalbe is concerned with drainage from the roadway, and the watershed coming off the hill. He would like to see a more comprehensive plan. Pat Del Monaco asked about storm water calculations and said they need to see how much water is coming over the hillside and the changes in the developed properties to see how much the increase in storm water affects the down slope properties. The paper street was discussed with regard to whether other property owners would have a right to use it. 5, 7, and 9 Patterson will be on a common driveway. Soil report-wetland delineation- submitted. The parcel that will become the property of the N.F. Land Trust will not be "land locked", it will have access from Peralta. **Continued**

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7 Patterson Rd- Liter drains, footing drains and rain gardens discussed. **Continued**

9 Patterson Rd- The house was moved 10 feet. The stonewall will be the limit of disturbance. There is a large 5' diameter oak tree on the property. Mr. Jackel stated this tree would have to be removed since this is where they plan to put the house. Mr. DiVesta, engineer for Mr. Jackel stated they looked into alternative plans that would move the house to the north but that would interfere with the septic system. Alternatives that would spare the tree were discussed (i.e. rotate the house or move closer to the wetlands). The Commission would like to see an arborist's report and alternate plans to save the tree. **Continued**

7 Astoria Drive- Astoria Drive drainage discussed. They will channel the water down a rip rap swale (2' wide x 1 ½-2' deep) down the inlet side thru a 15' RCP (reinforced concrete pipe). The driveway is a hard packed dirt road. The driveway drainage is runoff (sheet flow), there are no catch basins. They are planning to pave the driveway. Grading and contours of the Astoria Drive driveway discussed. The Commission instructed Mr. Jackel and Mr. DiVesta that they need to see a grading plan for Astoria Drive and an overview opinion of the watershed for all 3 properties on Patterson Rd. **Continued**

Gerry Schwalbe made a motion to suspend the Regular Meeting and move into the Public Hearing for 32 Beaver Bog Road, second by Jeff Main, All in Favor.

Public Hearing

32 Beaver Bog Road, SFD, Map 13, Block 6, Lot 1.4, Griffin/Redecka. The Griffins present along with their attorney Jerome Meyer, Engineers Benjamin Doto and Greg Otis and Wetlands Ecologist Jody Chase. As per Mr. Doto, the property is 15.3 acres. This property use to be 2 lots, it is now 1 tax lot as per Doug Griffin. They're proposing to build an SFD with a well, 4 BR septic system and a driveway on the westerly portion of the property. The property surrounds open space property with wetlands owned by the N.F. Land Trust.

The proposed driveway would be 1800 feet in length, 12 feet wide (some areas will be wider for 2-way travel). Retaining walls are proposed for a good portion of the driveway. They plan to asphalt the driveway. They have a storm water management system proposed. The retaining wall system proposed is a Gabion System. A Gabion is a wire basket filled with rock. These baskets build the wall. This system allows water to flow thru it. They propose to maintain a natural drainage pattern. In areas where wall will be, culverts are proposed. They plan catch basins with sumps. A detention system is proposed under the driveway. An alternative plan for the driveway showed crossing the wetlands twice and would create a greater disturbance as per Mr. Doto and Mr. Otis. Mr. Doto stated that their original plan is more expensive for the owner but let invasive. Dr. Doto felt their plans address any environmental concerns the Commission and the public has had. Pat Del Monaco asked about the sequence of construction with regard to the Gabion Wall System. Sequence of construction and grading discussed. The walls are built gradually, fill material will be mainly rock. A continuous strip of erosion control will be maintained between the limit of disturbance and the wetlands. Gabion wall locations discussed. Proposed driveway slope is 15%.

Tom Quigley asked about run off. Mr. Doto stated that the proposed detention system would have 120 linear feet of 3' diameter pipes to catch basins with metered flow. Size-roughly 6,500 gallons of storage. The water would be metered out thru the wall to wetlands.

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Gerry Schwalbe asked if the discharge points are existing. Mr. Doto stated that there is a low spot where water now drains which they will continue to let it do thru a culvert. Mr. Doto said they are trying to maintain existing drainage patterns as best that they can. Tom Quigley pointed out that sections of the wall are right on the border of the wetlands, so they will be disturbing the wetlands in these areas during construction. Wall construction at wetlands border discussed. The wall would be built 3 feet at a time, and then filled. Geotechnical fabrics will be used as necessary. Tom Quigley questioned what the base is for the wall in the wetlands that they would be digging to. How deep will they need to go? Mr. Doto stated 1-2 feet down. They will do test pits to see what type of soils are there (in the wetlands). Alternative driveway plan discussed. Mr. Otis stated the wall system for the alt. plan is more extensive than the current proposal and more invasive.

Jody Chase, Wetlands Ecologist prepared a wetlands assessment, Commission members will receive a copy by next months meeting. Ms. Chase evaluated the surrounding wetlands and reviewed the project and stated that the project has no direct impact on the wetlands. She spoke about what the indirect impact might be and suggested-with regard to the driveway- an Erosion Control Monitor should be onsite to inspect the site between Beaver Bog Rd to wetlands flag 125 (where the topography levels) daily. She also suggested that to maintain water quality they should pave the driveway and that all catch basins discharge to a final Stormceptor™ unit and then into the underground galley system so they could meet the DEP guidelines for 80% removal of total suspended solids. Also recommended by Ms. Chase was Cape Cod curving to facilitate wildlife access. She felt the project does not impact the wetlands. Tom Quigley re-stated the fact that part of the wall will be right on the border of the wetlands. Benjamin Doto stated that they are also proposing guardrails along the driveway. Jeff Main stated that this application has the potential to significantly impact the Aquifer.

Public Comment-

William McCann, President of the New Fairfield Land Trust, spoke against this application. Mr. McCann read a letter into record (letter attached).

Brain Chitester, resides at 30 Beaver Bog Rd, voiced a strong opinion against this application. He is concerned for the safety of the Aquifer. He said that the water at times can run very rapidly several times a year. He asked the Commission to deny this application and preserve this natural resource.

Barbara Chitester, 30 Beaver Bog Rd, voiced disapproval of this application. She said she is afraid of possible contamination of the water and worried about the wildlife and their homes. She also felt that the road would be an eye sore.

Marty Gucker, area resident said he is concerned about the safety of the drinking water for homes like his as well as the municipal properties in town that rely on this water. He asked what the town will do if this aquifer gets contaminated as a result of this application.

David Bevan, area resident, read a letter he had written against this application into record (letter attached).

Ernest Handau, 27 Beaver Bog Rd, stated that the water flows very strongly at times. He feels that when there is a large storm, strong flowing water will rush down the driveway (like an aqueduct). Mr. Chitester stated that Beaver Bog Rd has been washed out by heavy rains and rushing water during strong storms. Mr. Handau also questioned how long the Gabion baskets are expected to last.

The Beaver Bog Rd residents also discussed the Gabion structures, saying that sediment can build up and wanted to know how this would be maintained.

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Engineer, Benjamin Doto stated that yes; these Gabion structures can accumulate a build up of sediment. Mr. Doto said the plan is not relying on the Gabion's, they have designed for the water to go thru pipes. Mr. Doto stated that the plan was designed for a 25 year storm. The Gabions are an added relief and security measure in case for some reason the pipe doesn't work. Pat Del Monaco asked if the design was able to handle a 100 year storm event. Mr. Doto said he would research that. Pat Del Monaco is concerned that during times that there is a strong flow of water damage can happen to the driveway sending debris into the wetlands.

The Commission would like to see the driveway and septic locations of the neighboring properties. They also want to see off site water. Ms. Chase was asked to supply a report with a list of species that would inhabit the area and any impact to them. Drainage patterns discussed. The Commission wants to see the limit of disturbance to the wetlands and the number of trees they plan on removing as well as the diameter, height and type of trees to be removed.

Richard Meek, area resident felt the walls will be a barrier to wildlife attempting to cross. Mr. Martin and Mr. Handau voiced the feeling that the impact of the environment should take priority over the wants of a single individual. The Commission would like the engineer to mark discharge points, stake the property line, corridor and house and flag the wetlands along the area of development.

Gerry Schwalbe made a motion to continue the Public Hearing to a Site Walk planned for January 6, 2008 at 1pm (inclement weather date 1/13/08) and enter into the Public Hearing for the Application Fee Schedule, second by Tom Quigley, all in favor. **Continued**

Public Hearing

Application Fee Schedule.

There was no public comment. Tom Quigley made a motion to close the public hearing, second by Gerry Schwalbe, all in favor. **Closed**

Tom Quigley made a motion to re-enter the Regular Meeting, second by Gerry Schwalbe, all in favor.

Regular Meeting

Correspondence

Letter from Richard Crawford, President of Hillview Drive Associate, re: Bernd Jackel sub-division. Members have received a copy, no discussion.

Letter from Gayle Sold, re: 32 Beaver Bog Rd. Members have received a copy.

Letter from Ingeborg Krug, re: 32 Beaver Bog Rd. Members have received a copy.

Letter from Paulin Nathans, re: 32 Beaver Bog Rd. Members have received a copy.

Letter from Ralph Langham, re: 32 Beaver Bog Rd. Members have received a copy.

Letter from Victor Boroukay, re: 32 Beaver Bog Rd, Members have received a copy.

Letter from Mary Granato, re: 32 Beaver Bog Rd. Members have received a copy.

Letter from Att'y John Keating, re: appearance filled with courts for Friends of Ball Pond v. Miltenberger. There has been a motion to dismiss.

Notice from Northwest Conservation District. The Commission wants to keep NW Conservation in the budget for 2008.

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Administrative

Approve Legal Fees- **None**

Approve November 13, 2007 Meeting Minutes. Tom Quigley made a motion to approve the 11/13/07 meeting minutes, second by Gerry Schwalbe, all in favor. **Approved**

Yearly Calendar- Commission members have received an updated calendar of meeting for 2008.

Discuss Regulations, Fees, Application, etc- No discussion.

Conservation issues for the Town of New Fairfield- No discussion.

Adjournment

Jeff Main made a motion to adjourn the meeting, second by Gerry Schwalbe, all in favor.

Adjourned @ 11pm