

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

**Regular Meeting
February 20, 2007
Police Station Meeting Room**

CALL TO ORDER

Tom Quigley called the meeting to order at 7:26pm.

MEMBERS IN ATTENDANCE

Tom Quigley, Gerry Schwalbe, Jennifer Licht & Jeff Main.
Minutes were taken by Lisa Zustovich.

NOTICE OF VIOLATIONS

126 Route 37, Filling & grading, Map 19, Block 15, Lot 23, Penna. Mr. Penna present along with Neil Marcus who is representing him. Mr. Marcus stated that they have hired a Civil Engineer-Arthur Howland, a Soil Scientist-Cynthia Rabinowitz and an Environmental Consultant-Michael Klein. They intend to have a completed application ready for next months meeting. Mr. Marcus asked the Commission permission to install 3 Monitoring Wells to find depth to ground water ratio for determining possible septic locations. Locations of Monitoring Wells discussed. Mr. Penna's plan is to do a culvert and fill an area to create a site for construction of a building. As per Mr. Marcus the stock pile has been stabilized according to their Environmental Consultant Mr. Klein, their Soil Scientist Ms. Rabinowitz and their civil engineer. The curtain drain was installed in anticipation of doing construction on the site (as per Mr. Marcus).

There was discussion regarding Mr. Penna's non-compliance with regard to removing the stock pile that has been on the site for approx. 1 ½ years. As per Tim Simpkins, the Commission can pursue legal action for non-compliance. The stock pile is well covered with silt fencing. Mr. Marcus read from his environmental consultants report stating that there is no risk of significant erosion effecting the wetlands and watercourse adjacent to the site under the existing conditions (he feels it has been well stabilized). He also doesn't feel there will be any adverse effects from keeping the stock pile in place as long as it is kept well covered and erosion controls remain in place.

The Commission granted permission to Mr. Penna to install Monitoring Wells (which Tim stated they will log soils from). They also granted the owner a 30 day extension to keep the stock pile on site to submit an application. If an application is not submitted within 30 days the stock pile needs to be immediately removed. **Continued**

36 Hillside Drive, Filling within 150' of Shortwoods Brook, Map 18, Block 5, Lot 5.14, Tripaldi. No owner present. Tim Simpkins stated he will send the owner a letter. **Continued**

5 Shore Drive, Excavating Candlewood Lake bottom, Map 10, Block 1, Lots 3-5, 8 & 9, Kraska Enterprises, LLC. **Deferred to New Business.**

46 Bogus Hill Rd, Construction of seawalls and grading, Map 11, Block 2, Lot 2 Woodward. Owner present and has submitted an application. Gerry Schwalbe made a motion to amend the agenda under New Business to include 46 Bogus Hill Rd. Second by Jennifer Licht, All in Favor. **Deferred to New Business.**

62 Woodcreek Rd, Excavating the bed of Candlewood Lake, Map 20, Block 12, Lot 3, Carley/Loxson. **Deferred to New Business.**

66 Woodcreek Rd, Excavating the bed of Candlewood Lake, Map 20, Block 12, Lots 5 & 6, McEachern. No owners present. **Continued.**

17 Bogus Hill Rd, Rebuilding existing seawall, Map 6, Block 4, Lots 111 & 112, Bloom. Owner has submitted an application. **Deferred to New Business.**

NEW BUSINESS

179 Ball Pond Rd, SFD, Map 18, Block 1, Lot 2, Pro Construction, LLC. Doug DiVesta, Civil Engineer present representing the owner. Proposed plan is for a 4 bedroom home. Wetlands are flagged. Septic has been approved by the Health Dept. Distance from the galleries to the wetlands is over 75 feet. Tom Quigley made a motion to accept the application for review, second by Jennifer Licht, All in Favor. **Accepted & Continued.**

62 Woodcreek Rd, Excavating the bed of Candlewood Lake, Map 20, Block 12, Lot 3, Carley/Loxson. No owner present. Work has already been done. Tim Simpkins will send the owner a letter informing him that the Commission needs the following information:

- Survey
- Amount of disturbance (total sq. footage of disturbance)
- Photos of road fill
- Notification to NE Generating

Tim stated that the CLA is looking into whether an Army Core of Engineers is needed. Gerry Schwalbe made a motion to accept the application for review, second by Jennifer Licht, All in Favor. **Accepted & Continued.**

5 Shore Dr, Excavating Candlewood Lake bottom, Map 10, Block 1, Lots 3-5, 8 & 9, Kraska Enterprises, LLC. Phillip Kraska present and stated they have a Deed from 1927 with CL&P allowing owner permission to do work below the 440 as stated in the Deed. A copy of the Deed has been included with the application. All work is done. The Commission would like to see verification that what is described in the Deed was allowable. The survey does not show easement/ownership below the 440. The owner is to supply a more detailed map. Jeff Main made a motion to accept the application for review, second by Tom Quigley, All in Favor. **Accepted & Continued.**

17 Bogus Hill Rd, Rebuild existing seawall, Map 6, Block 4, Lots 111 & 112, Bloom.

Attorney Jeff Sienkiewicz present representing the owners. The owners received a notice of violation and have submitted an application. They are rebuilding an existing seawall. There is an existing seawall with cantor lever dock and stairs. Mr. Sienkiewicz stated that there appears to be 2 seawalls-1 built in front of another. The owner, Ms. Bloom was attempting to have the seawall rebuilt because it has been collapsing. They will be reconstructing with existing material. The Commission stated that they need to see a better sketch or survey and that photos should be included with the application. Mr. Sienkiewicz stated that the owner has a deeded right that allows for construction and maintenance of seawalls and riprap and they will bring a copy to the next meeting. Mr. Sienkiewicz asked whether this would be considered an exempt activity according to the Commissions Regulations (sec. 4-Permitted uses as a matter of right). Mr. Quigley stated that the Commission likes to review all seawall work-construction/reconstruction. The applicant has been instructed that no work should continue until the application process is complete. Jennifer Licht made a motion to accept the application for review, second by Gerry Schwalbe, All in Favor. **Accepted & Continued.**

46 Bogus Hill Road, Construction of seawalls and grading, Map 11, Block 2, Lot 2, Woodward.

Owner Mr. Woodward present. This was previously a notice of violation for construction of a seawall & grading. Application & survey copies handed out to the Commission members. Ralph Gallagher present representing the owner. Plans as per Mr. Gallagher are as follows:

- Reconstruct seawall
- Reconstruct stairs with a wall around them
- Construct an additional wall behind the house to help support the deck and the steep slope behind the house (between the house & lake)
- Additional deck to be built at ground level below the existing deck

Mr. Quigley asked Mr. Gallagher if he could submit copies of the pictures he has to the Commission at the next meeting. Roof liter drains discussed. Rain Gardens at roof liter discharge discussed. The Commission would like to see liter drain location and planting plan (rain garden). A Rain Garden information booklet was given to Mr. Gallagher. Tom Quigley made a motion to accept the application for review, second by Jeff Main, All in Favor.

Accepted & Continued.

31 Route 37, Construct a BOE building, Map 24, Block 18, Lot 10, Town of New Fairfield.

There is a small existing dwelling present. A2 survey showing both 31 & 33 Route 37 properties reviewed. The Commission requested copies of the A2 survey specifically for 31 Route 37. Soil Scientist Report done by Christopher Majewski, copies supplied with application. Mr. Gallagher was informed that the Commission needs the following information:

- Dimensions from water course to limits of disturbance (distance to brook)
- Total limits of disturbance (square footage) for both wetland & upland for each phase of the projects
- Amount of impervious coverage
- Flood planes
- Plans for disposal of hazardous material (i.e. asbestos)
- Information regarding oil tank and well abandonment
- Parking lot details regarding storm water detention and grading

Storm water detention galleries with oil booms bordering proposed parking area discussed as well as impervious surface. The Commission discussed ideas for alternate plans with Mr. Gallagher. Tom Quigley made a motion to accept the application for review, second by Jennifer Licht, All in Favor. **Accepted & Continued.**

33 Route 37, Construct a Senior Center, Map 19, Block 6, Lot 1, Town of New Fairfield.

Mr. Gallagher present and discussed changes to building addition plans. They now plan to expand to the south (there are no longer sideline setback issues since the town now owns the neighboring property). Mr. Gallagher also discussed a revised plan for the walkway to the Historic Site and mentioned the possibility of making the temporary bridge permanent. The Commission instructed Mr. Gallagher to make the temporary bridge issue part of the application. Jeff Main made a motion to accept the application for review, second by Jennifer Licht, All in Favor. **Accepted & Continued.**

OLD BUSINESS

57 & 83 Shortwoods Rd, 14 lot sub-division, Map 14, Block 2, Lots 1, 2D & 3B, HH & P Dev. LLC & Browne. Deferred to Public Hearing.

9 Knollcrest Rd, Construction of a gazebo, dock & seawall w/o permits, Map 10, Block 4, Lot 4, Scheckter. Mr. Scheckter present. Survey reviewed by Commission members. Mr. Scheckter notified that before a permit will be issued Tim needs to receive CL&P's (N.E. Generating's) approval letter. Gerry Schwalbe made a motion to approve the application, second by Jennifer Licht, All in Favor. **Approved.**

24 Misty Brook Lane, Cutting & clearing trees & grading, Map 2, Block 4, Lot 23, 890 Realty Co, c/o List Services Corp. No owner present. Tim Simpkins received a letter from the owner Mr. McCluskey requesting an extension on his application. **Continued.**

55 Lake Drive South, Working on seawall, Map 20, Block 8, Lots 9 & 10, Altman/Stewart. Gary Kull from Avalon Bldg. Systems present representing Altman/Stewart. Footing and sonotubes are done. Decking has not yet been done. Mr. Kull is waiting for CL&P approval. Tom Quigley made a motion to approve the application, second by Gerry Schwalbe, All in Favor. **Approved.**

Tom Quigley made a motion to vote 160 Ball Pond Rd onto the agenda under Old Business, second by Jeff Main, All in Favor.

160 Ball Pond Rd, Amendment to permit. New drawings showing propane tank on grade elevation and proposed staircase supplied to the Commission. There was a discussion regarding slope stabilization and doubling up on erosion controls. Tom Quigley made a motion to amend the permit to include the steps and underground propane tank installation with the stipulation that Mr. Simpkins and 1 member of the Commission oversee how this (propane tank installation) will be done. It was further stipulated that strict erosion controls need to be maintained and that a permanent mesh fabric be installed on the slope that surrounds the tank and that appropriate plantings be done. Second by Gerry Schwalbe, All in Favor. **Approved w/stipulations.**

Tom Quigley made a motion to enter into Public Hearing for 57 & 83 Shortwoods Rd, second by Jennifer Licht, All in Favor.

PUBLIC HEARING

57 & 83 Shortwoods Road, 14 lot sub-division, Map 14, Block 2, Lots 1, 2D & 3B, HH & P Dev. LLC & Browne. The owners originally submitted an application last year but withdrew it so they could address the concerns of the Commission and the neighboring property owners. They have reduced the project size from 15 lots to 14 lots. Mr. Gallagher stated they addressed previous concerns regarding proposed dwellings on the NW corner by moving the houses and septic much further away from the wetlands and steep slope. The application package contains information regarding the box culvert. The culvert is an open box culvert that is 3'x10' with 4'6" wing walls, pre-cast. Footings are 42" below the bottom of the brook. Culverts discussed in detail with drawings reviewed. Mr. Gallagher addressed concerns with regard to storm water retention. They resized the basin, elongating it, making it bigger. Mr. Gallagher stated that the proposed roadway is at the top of the water shed and that everything on the east and the west flows away. Mostly only water from the roadway will go into the detention basin. In addition each lot has its own storm water detention galleries and there is a catch basin in each driveway and liter drains. The roof and driveway drainage will all go into the storm water detention galleries. They have designated 50-75 feet around wetlands and 100 feet along the west property line as a Conservation Easement. Tom Quigley had questions from NW Conservation.

1. Questioned making the cul-de-sac bigger with a rain garden. Mr. Gallagher stated this was not necessary since there was no concern of catching a lot of water.
2. What about installing grass line swales? Since water is flowing away from the road and the road has curbing a grass line swale is not warranted.
3. Is there an access road to the detention basin? Yes there is an easement.
4. Questioned use of curtain drains. Mr. Gallagher stated that curtain drains will be used as needed on a case by case basis.

(All other questions from NW Conservations were previously answered)

Temporary Water Bars are shown. Driveway grading shown. Alternate plans proposed and reviewed. Plan A takes out 2 lots and places the cul-de-sac before the water crossing. Plan B does not work with regard to zoning. Detention Basin discussed, designed for a 100 yr. storm. Depth 8-10 feet deep, cut into slope. There was discussion about holding off approval of Lot 4 until the vernal pool is verified. Storm Water Pollution Prevention Plan (S.W.P.P.P.) requirements discussed. Tim Simpkins & Gerry Schwalbe will call the state to see if it is required.

Public Comment

Gerry Dean, adjacent property, owner spoke with concerns and questions regarding Conservation Easement sizes and wetland sizes on lot 4. Adjacent property owner Rob Doscher spoke regarding an alternate plan to place the cul-de-sac before the wetlands and cross the wetlands at a shallow point with a driveway and reduce the number of lots which would have a much less impact. Mr. Doscher also commented that he spoke with Marla Butts at CT DEP who told him that a S.W.P.P.P. is required as part of the approval process. Mr. Doscher voiced concern over the possible wetlands on Lot 9 and requested that the Commission hire NW Conservation to delineate the wetlands, if any, on Lot 9. He also requested that the size of the wetlands on Lot 4 be clarified. Mr. Doscher also spoke about the water bar at the cul-de-sac.

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Tim Simpkins stated he will call Sean Hayden at NW Conservation to have him clarify his findings with regard to the wetlands on Lot 9. Jeff Main discussed changing the retention basin to a bio filter.

The Commission notified Mr. Gallagher that they would like to see the following at the next meeting:

- Expand Conservation Easement areas to 100 feet or more where able
- Show/describe markers for Conservation Easement boundaries
- Increase Lot 4 reserve from 65 feet to 75 feet
- Increase Conservation Easement to 100 feet around the vernal pool on Lot 4
- Detention Basin be redesigned as a Bio Filter
- Explore alternate plan of moving the cul-de-sac up, before the wetlands
- S.W.P.P.P report

Public Hearing Continued.

Tom Quigley made a motion to end the Public Hearing and resume the Regular Meeting. Second by Jeff Main, All in Favor.

Regular Meeting

CORRESPONDENCE

1. Additional information from the Murtha's re: application. Previously discussed.
2. Letter from R. Doscher re: Spruce Ridge Estates. No discussion.
3. Letter from Connecticut Association of Wetland Scientists. No discussion.
4. Letter from Society of Soil Scientists of Southern New England. No discussion.
5. Letter from CLA re: Booklet from UCONN Cooperative extension system on Rain Gardens. No discussion.
6. Letter from State of CT DEP re: 2006 Legislation & Regulations Advisory. No discussion.
7. Municipal Inland Wetland Commissioners Training Program. We have a voucher. See Jane in the office if you are interested in attending.
8. Statewide Inland Wetlands and Watercourses Activity Reporting Program. No discussion.
9. Pamphlet from CT DEP re: "Can You Ace Your River Report Card?" No discussion.

ADMINISTRATIVE

- Approve Legal Fees. None
- Approve January 16, 2007 Meeting Minutes. Tom Quigley made a motion to approve the 1-16-07 Minutes, second by Jeff Main, All in Favor. **Approved**
- Discuss Regulations, Fees, Application, etc. Commission received fee schedule to review.
- Conservation issues for the Town of New Fairfield. None

ADJOURNMENT

Jennifer Licht made a motion to adjourn, second by Gerry Schwalbe, All in Favor. Meeting adjourned at 10:55 pm.