

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

*Regular Meeting  
May 15, 2007  
Police Station Meeting Room*

**Call to Order**

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

**Members in Attendance**

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

\*Tom Quigley made a motion to amend the agenda under Notice of Violations, to include 49 Lake Drive South. Second by Jeff Main, all in favor.

**Notice of Violation**

**2B Stonebrooke Dr, Map 33, Block 1, Lot 105H & 1 Arden Ave, Map 34, Block 1, Lot 3, Cutting of trees in wetlands, Picinich.** These are adjacent properties both owned by Mr. Picinich. No owner present. Tim Simpkins stated that the owner had cut down trees and brush and deposited the cuttings in the stream. Pat Del Monaco stated that the owner has to get the brush out of the stream. Tim will contact the owner to remove the brush from the stream and attend next months meeting. **Continued.**

**2 Misty Brook Lane, Cutting trees adjacent to a stream, Map 2, Block 4, Lot 12, Pace.** No Owner present. Tim Simpkins stated that the owners cut approximately ½ a dozen trees scattered throughout an area adjacent to a water course. He also stated that the bank is stable. Mr. Simpkins will contact the owner and notify them that they need to attend next months meeting. **Continued.**

**49 Lake Drive South.** Mr. Alexander-architect present, representing the owner. They tore down ½ the house and excavated an area to repair the foundation.

Footings are no good and need to be replaced. Mr. Alexander stated that they would be putting new footings and foundation and would not be going beyond the footprint of the building. Pat Del Monaco stated they need to submit an application to amend the permit. Tim Simpkins noted that they have good erosion control measures in place. Tom Quigley stated he felt it's not good to keep the site open till the application process is complete. He would like to see it covered up. The foundation has been excavated. The Commission stated that they will only allow the foundation to be poured, backfill and stabilize the area (seed & hay). No further work will be permitted at the site until the application process is complete. EEO Tim Simpkins and 1 member of the Commission to over see this project. The Commission notified Mr. Alexander that they want to see mitigation plans and that they need to see an application for the amendment of the permit at the next meeting. **Continued.**

### **New Business**

**74 Candle Hill Rd, Pipe & re-pipe a water course, Map 6, Block 4, Lots 46 & 47, Humphreys.** Owner present. She wants to replace an existing eroding pipe. Mr. Quigley questioned where the pipe leads to. The owner stated it discharges to an adjacent empty lot. Tim Simpkins stated that the grading is flat and where the pipe discharges to is also flat. Water draining from the pipe is road drainage. Owner stated that with heavy rain, water floods her property; at times her well gets submerged. Once area gets flooded, water sometimes sits for awhile. Mr. Quigley was concerned about the well getting submerged. Tim Simpkins stated that the owner is consulting with an engineer. Pat Del Monaco noted that there are no wetlands present and does not feel this issue needs an application. The Commission members agreed. **No Permit Required.**

**85 Pine Hill Rd, Construction of Pond, Map 9, Block 1, Lot 2B, Reilly.** Owner, Mr. Reilly present along with Mr. Mellett who is assisting him with his application. Mr. Reilly wants to install a pond. Application and maps provided and reviewed. Proposed pond would be in the wetlands. Location owner plans to deposit wetland soils discussed. Mr. Reilly stated that he plans to deposit soils on the back of his property-off site. The Commission stated that at the next meeting they want to see where they will deposit the wetlands soils. Gerry Schwalbe made a motion to accept the application for review, second by Jennifer Licht. All in favor. **Accepted & Continued.**

\*Tom Quigley made a motion to amend the agenda under New Business to include 3 & 5 Knollcrest, second by Jennifer. All in favor.

**3 & 5 Knollcrest, reconstruct bulk head and attach a dock, Gautrau.** Brett Gautrau present and stated that his neighbor dismantled a bulk head that was on an easement for 1, 3, 5, & 7 Knollcrest. Owners of the easement want to reconstruct the bulk head and attach a dock to it. Mr. Gautrau was notified that he needed the following information to complete his application:

1. Need all parties involved in the easement to be included on the application with their signatures.
2. Inform adjoining property owners. (Show Commission proof of notification.)
3. Notify First Light and show Commission proof of notification.
4. Show what is existing and what is proposed on drawings with dimensions.
5. Show footing & posts.
6. Description of what you plan to do-how you plan to rebuild? (e.g.-anchor in, float in?)

Mr. Gautrau was informed that the Commission is not comfortable accepting this application for review due to lack of information. Tom Quigley made a motion to accept the application for review, second by Jennifer Licht. All Opposed. Mr. Gautrau was informed that he should re-submit his application with the above requested information at next months meeting. **Not Accepted for review.**

### **Old Business**

**126 Route 37, Filling & grading, Map 19, Block 15, Lot 5.14, Penna.** Larry & Erika Penna present along with their Engineer, Paul Simanski and Attorney, Neil Marcus. Mr. Penna spoke regarding his proposed plans which would include 2 buildings on the property-which is commercially zoned. One bldg. (existing) would be for Mr. Penna's business, The Pool Doctor. The second bldg (proposed) would be built for a future Wachovia Bank as per Mr. Penna. Mr. Penna read excerpts from Mr. Klein & Ms. Rabinowitz's reports of which the Commission members have a copy. Mr. Penna stated that the architectural footprint and septic (items 5 & 6) were removed from the application. The Commission has not received a revised plan. Mr. Penna presented an alternative plan which shortens the culvert by 15 feet. Drawings for the alternative plan reviewed and discussed. Contours discussed. The steep slope shown on the plan discussed with regard to stabilization of the slope. Mr. Simanski stated they could decrease the water area and increase the planting area to stabilize the slope. Tom Quigley suggested the owner look for other alternatives that do not require filling in wetlands. Pat Del Monaco stated that the Commission had asked for a plan that significantly reduces the filling of wetlands. The Commission feels that Mr. Penna's alt. plan does not

significantly reduce the filling in of the wetlands. Mitigations plans discussed. Mrs. Del Monaco stated that mitigation could be to restore this wetland area. She wants to see an alternative with substantially less filling of the wetlands.

Mr. Marcus made a comparison between Mr. Penna's project and the Senior Center property project across the street. Mr. Marcus was notified that the Commission did not allow for the filling in of wetlands on that application. It was further explained to him that each application presented to the Commission is unique and is decided upon depending upon the project & land/wetland situation. Mr. Marcus was informed that when the Commission is presented with an application that shows filling of wetlands, they ask for alt. plans to substantial reduce the amount of wetlands that would be filled. That is what was asked for here.

Mr. Klein's soil scientist report discussed. Mr. Marcus discussed off site mitigation. It was discussed that the owner would need to pipe the brook in order to get a septic system 75 ft from the wetlands. Due to various other set backs it is hard to place a septic system on this property. Tom Quigley would like to see an approved septic system first. They need to pipe the brook to get the septic approved. The owners are waiting for water monitoring results to see if they can place a septic system. Mr. Penna is running out of time on this application. Mr. Simanski and Mr. Simpkins discussed the owner withdrawing the application till they can get water monitoring results-at the end of May-so they can plan a septic system. If they can get conditional approval for the septic system from the health dept. they can re-apply. Mr. Penna agreed. Application withdrawn by applicant.  
**Withdrawn.**

**58 Fairfield Drive, Drainage improvements & erosion, sediment control, Map 33, Block 1, Lots 102 & 103, Cioffelletti.** Owner Mrs. Cioffelletti present along with Peter Young and Soil Scientist, Mr. Henry Mueller. Maps reviewed. Peter Young discussed alternate plans than those originally shown. He stated that there are 2 24" pipes coming off Fairfield Drive that dump onto the property. This has eroded a 4-6 foot deep trench on to the property. The water then goes down to a viable wetlands. Mr. Young discussed a proposed catch basin to control flow. Water shed discussed. Mr. Young stated they will do drainage calculations. At the next meeting Mr. Young stated they would show:

1. Plans to pipe the water to fix erosion problem and enhance the wetland area
2. Show grading
3. Show house and septic plans.

**Continued.**

**13 & 15 Route 37, Cut Tree & drainage pipe installation, Map 24, Block 18, Lots 7 & 8, Santomero/Young, agent.** As per Peter Young an administrative permit was given with the understanding that they would come in with a formal application. A drainage pipe was installed. It was noted that this is a commercial parcel that the owner plans to build on in the future. Collection basin maintenance discussed. Tom Quigley stated that he viewed the site and that the work done is working well. The application also includes the removal of a Willow tree but not the stump. Tom Quigley made a motion to approve the application, second by Jennifer Licht, all in favor. **Approved.**

**241 Route 39, AGP w/deck, Map 10, Block 14, Lot 2, Bruno/Young, agent.** Peter Young present representing the owner. Plan is to put a 10' x 30' above ground pool and to connect it to the deck which the owner wants to extend. This would bring them 15 feet from wetlands on one side and 18 feet from wetlands on another side. The area is flat. Jeff Main voiced concern that if the pool were to break the pool water would then enter the wetlands. Pat Del Monaco stated that she would like to see them bring the pool back 4 feet towards the existing deck to get more than 15 feet of distance to the wetlands. Peter Young stated they could pull it back so that the pool would be a minimum of 18 feet from the wetlands on both sides. Peter Young made the changes on the drawings. Gerry Schwalbe made a motion to approve the application, second by Jennifer Licht, all in favor. **Approved.**

### **Correspondence**

**Letter from Art Fasig re: requesting an extension of permit on 6 Spinning Wheel Lane.** Tim Simpkins stated that the septic has been done. Tom Quigley wanted to know if there were any changes to the site since the permit was granted. Mr. Quigley feels the Commission should visit the site to see site conditions before deciding to extend the permit. The Commission agreed. Decision deferred till next months meeting.

### **Administrative**

- Approve legal fees – None
- Approve March 20<sup>th</sup> meeting minutes. Tom Quigley made a motion to approve the 3-20-07 minutes as written, second by Jeff Main. Pat Del Monaco, Tom Quigley and Jeff Main approve the minutes, Gerry Schwalbe and Jennifer Licht abstained. **Approved**

- Approve April 10<sup>th</sup> meeting minutes. Tom Quigley made a motion to approve the 4-10-07 minutes as written, second by Jennifer Licht. Pat Del Monaco, Gerry Schwalbe, Tom Quigley and Jennifer Licht approve the minutes, Jeff Main abstained. **Approved**
- Discuss Regulations, Fees, Application, etc. Gerry Schwalbe handed out a revised checklist. New Fee Schedule discussed. Updating of the Regulations briefly discussed.
- Conservation issues for the Town of New Fairfield – None

### **Adjournment**

Jennifer Licht made a motion to adjourn, second by Tom Quigley, all in favor. Meeting adjourned at 9:50pm.