

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

*Regular Meeting
January 15, 2008
New Fairfield Senior Center
7:15pm*

Call to Order

Pat Del Monaco called the meeting of the Inland Wetlands Commission to order at 7:20pm.

Members in Attendance

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

Notice of Violation- None

New Business

29 Lakeshore North, Demolish & rebuild existing structure, Map 40, Block 6, Lot 30 & 31, Ross. Mr. & Mrs. Ross present. Mr. Ross said they would be rebuilding on the existing footprint. A new septic system will be installed. Debris from demolition will go right into dumpsters. The existing home has a carport, the propose plan has a garage. The property line was discussed. The owner stated that all work will be done above the 440 line. Rain Gardens discussed. The Commission wants to see “no net runoff”; they want to see where the water from the roof and the driveway is going. Mr. Ross was informed that the Commission needs to see the following information at the next meeting:

- Sequence of demolition and construction
- Distance of closest disturbance to the lake
- No net runoff – Rain Gardens
- Septic design

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

27 Misty Brook Lane, Retaining wall, Map 2, Block4, Lot 25, Gotlieb/Young. Peter Young present, representing the owner. They want to build a couple of 30” retaining walls along an eroded part of the shore as per Mr. Young. He said he was on site w/Brian Wood from First Light who gave him a letter of consent to apply for the application. The walls will be done by hand; the only machinery to be used will be a rubber tired tractor to bring the stones down. The wall will be a fieldstone wall, dry laid with cement on top. The Commission would like to see more detail on the wall. Jeff Main made a motion to accept the application for review, second by Tom Quigley, all in favor. **Accepted & Continued**

Old Business

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

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160 Ball Pond Rd, Tree removal, Map 34, Block 9, Lot 11.1+9, Miltenberger. Michele Holmes present and submitted a letter from William Dempsey Jr. of Clearwood Timber, LLC regarding the condition of the tree and his opinion that the tree should be removed. Ms. Holmes stated that Mr. Dempsey is an arborist. Ms. Holmes stated that if the tree is allowed to be removed, she would leave the stump and that she will be submitting an application for a staircase and the stump would be removed at that time. Ms. Holmes also stated that she would get a second opinion about the tree before having it removed. The Commission is concerned with erosion into Ball Pond. Tom Quigley made a motion to approve the application to remove the tree with the stipulation that the stump is not removed and that Ms. Holmes comes back before the Commission by the March meeting with a remedial plan for the north side that shows how the area will be permanently stabilized once the stump is removed, second by Jennifer Licht, all in favor except Jeff Main who abstained. **Approved w/stipulations**

The Commission had a discussion with Ms. Holmes regarding the wall to be built on the south side. They wanted to clarify with her what was approved by the Commission. They discussed the wall height-8.5' max. exposed. This will determine the grade (slope). The approved yard area (sand beach area) is 15' x 42'. Tim Simpkins said he would meet with Ms. Holmes at the site before they start the work. Sand bag removal discussed.

9 Lakeshore South, SFD, Map 45, Block 1, Lot 31, Luberger/Yates, Agent. Mr. Yates present. New drawings submitted showing a channel. Drainage/runoff off the septic mound (on the north side) will be channeled towards the lake. Septic fill will extend from the system out to the wall. Mr. Smith-attorney for the Hayden's who reside at 7 Lakeshore-present. He stated that the Luberger's have spoken to the Hayden's informing them that if there was any damage to the trees (which belong to the Hayden's) that they would pay to have the trees removed. Pat Del Monaco stated that the Commission is concerned with the health of the trees that are 70 years old-a Norway Maple and an Oak-as per Mr. Smith. Mr. Yates said the driveway would be crushed stone. It was discussed that about 6" of top soil would be removed in order to put down the stone. They would use an Arborist to trim and seal the tree roots if needed and would do hand digging around the roots. Rain Gardens are shown on drawings. Pat Del Monaco informed Mr. Yates that the Commission needs to see a planting plan for the Rain Garden. Tom Quigley made a motion to approve the application with the following stipulations:

- The driveway remain gravel (no blacktop)
- No more than 6" of topsoil be removed on the driveway to protect the tree roots.
- If the roots need trimming it is to be done under the direction of an arborist and the EEO should be contacted before that's done.
- A planting plan for the Rain Garden is to be presented and approved by the EEO & 1 member of the Commission.

Second by Jeff Main, all in favor. **Approved w/stipulations**

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, Jackel. Mr. Jackel present along with Engineer Doug DiVesta. As per Mr. Jackel, the maps have been recorded in Town Hall. New Maps for all 4 properties provided and reviewed. The Commission will discuss each application individually.

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5 Patterson Rd- This is the closest Patterson Rd property to Fairfield Drive. Rain Garden shown on Map is 75' long, 5' wide, and ½' deep. Mr. DiVesta stated that the water will infiltrate into the ground. The Rain Garden was designed for a 1" storm (Mr. DiVesta said he followed the Connecticut Storm Water Quality Manual.) This will handle run off from the roof, the driveway and a portion of the common driveway/private road. Gerry Schwalbe said there would be an increase rate of run off downstream beyond a 1" storm. Mr. Schwalbe said he would like to see run off cumulatively including the impact all 3 applications on Patterson to see the overall impact. He wants to see the total cumulative effect for overflow over a 1" storm. The Commission asked how the road will be maintained. Mr. Jackel said it will be a private road maintained by the homeowners. The Commission stated that a Home Owners Association or the like should be created to address road maintenance responsibility. Mr. Jackel granted the Commission an extension. **Continued w/extension**

7 Patterson Rd- Doug DiVesta said this systems required capacity is 95 cubic feet, he has 350 cubic feet of storage. Water flows in a westerly direction towards a large wetland area. Water will sheet flow around the house to the Rain Garden. A portion of lot 5's drainage will come to the 7 Patterson Rain Garden. Mr. Jackel granted the Commission an extension. **Continued w/extension**

9 Patterson Rd- Mr. DiVesta stated that they moved and rotated the house. By doing this they were able to save the 5' diameter Oak tree. He said they had to come a little closer to the wetlands in order to save the tree. The house will be 25-26 feet from the tree. Mr. Jackel said they will dig from the north side. It was agreed to limit excavation to 5 feet from the tree. **Continued.**

7 Astoria Drive- The detention system for the roof is designed for a 1" storm. They are planning to pave the driveway, it is a hard packed gravel driveway now. Jeff Main made a motion to approve the application, second by Gerry Schwalbe, all in favor. **Approved**

Application Fee Schedule. Pat Del Monaco noted that the Commission had a Public Hearing at last months meeting regarding the Application Fee Schedule, there was no Public Comment. Gerry Schwalbe made a motion to approve the new application fee schedule, second by Jennifer Licht, all in favor. **Approved**

Gerry Schwalbe made a motion to suspend the Regular Meeting and enter into a Public Hearing for 32 Beaver Bog Rd, second by Jennifer Licht, all in favor.

Public Hearing

32 Beaver Bog Road, SFD, Map 13, Block 6, Lot 1.4, Griffin/Redecka. Mr. & Mrs. Griffin present. Jerome Mayer, Attorney for the Griffins present and stated that although the property was sub-divided into 2 lots in 1985, it has been taxed as 1 building lot. He said if the Griffin's purchase this property they plan to take title on it as 1 piece. It could not be divided without subdivision approval (as per Mr. Mayer). Benjamin Doto, Engineer present and stated he wanted to clarify information from the last meeting. He said that the driveway is actually 1,400 feet in length (not 1,800 as previously stated) he also want to note that there will be no permanent disturbance to the wetland. Mr. Doto discussed the driveway saying that while building it they will back fill with stone or structural fill and at the top it will have a typical driveway road base.

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(32 Beaver Bog Rd, continued)

Drawings that show cross sections of the driveway reviewed and discussed. Limit of disturbance shown on plans. The driveway is 1 ½ acres of disturbance. Sequence of Construction provided. As per Mr. Doto and Mr. Otis (Engineers), the driveway construction is planned in phases. Phase 1 consists of approx. the first 320 feet; at the end of this phase existing and proposed grades meet. Mr. Doto supplied a report from Jodi Chase-Ecologist. The report includes plants and animals that may exist not what is actually there. Jeff Main said that her list of species is not exclusive, there are other species not listed that can be present. Mr. Doto spoke about the retaining wall near the wetlands. They hand dug shallow test pits. Soils found are suitable for the Gabion System. They will need to remove 12" of soil at the base of the walls.

Mr. Doto stated that Mr. Griffin did a count of the trees that will be removed to build the driveway. He counted trees 12" in diameter or larger. He estimated 60-70 trees would be removed. Mr. Doto stated they checked the drainage system for 100 year storm. He said the system will work for 100 year storm except for the detention outlet pipe which will be increased from a 4" to a 6" pipe to comply. The drawings now show the driveways, houses and septic systems of the adjacent properties (house #'s 28, 30 & 40 Beaver Bog Rd). The driveway grade proposed is 15%. Mr. Griffin looked into driveway setbacks and said there are no required setbacks for a driveway from the property line. The proposed driveway would be about 15 feet off the property line.

Russ Slayback, Geologist/Hydrogeologist present and supplied his report to the Commission which was reviewed and discussed. He discussed the Shortwoods Brook Aquaphur, water usage, soil condition/make-up and sewer disposal. He stated that the septic tank will not adversely impact the down grade areas. Mr. Slayback stated that there should be close Engineering, EEO & Building Department supervision during the construction of the 1st phase of the driveway. He recommends that the steep part of the driveway be built only during the dry season (June-Oct), and curtail construction during heavy storm events especially if there is a heavy hurricane season. Test pits for the sewer system were done back in 1988. Mr. Slayback stated the sewer system would not adversely affect down grade water. He based his decision on the soils on the property supplemented by the 1988 report data. He also spoke about the drainage system and said it would have a swirl concentrator. It is not shown on the plans because an appropriate unit and size needs to be selected. Mr. Slayback stated that the storm water system will require periodic maintenance by the owner.

Mr. Doto stated that Jodi Chase recommended an oil-water separator in her report. It is not currently on the plans but will be added if the Commission wants it. Jodi Chase and Russ Slayback both suggest Cape Cod Curbing, currently asphalt is proposed. They will make the change if the Commission wants. The Gabion Wall System was discussed. The Commission members questioned durability and settling. They are concerned about silt and soil build up, clogging the Gabions, limiting water flow thru them. Mr. Doto stated that the upstream properties are stable and does not see this happening. He also said the Gabion Walls are designed to handle settling. With regard to soil tests, Mr. Doto said they went 24-36" down by hand and found suitable soils to build the Gabions. Limits of disturbance discussed, Mr. Doto said they will be in the wetlands to put in the silt fence and build part of the wall, this will be a temporary disturbance. The driveway was discussed, it will be 10-15 feet off the property line. They have no plans to blast.

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There will be silt fencing on the downside of the driveway during construction. Gerry Schwalbe stated that the Commission needs to see a more specific, detailed plan on each phase of the driveway's construction. Mr. Doto said they will expand the narrative for each phase of the driveway's construction. When they did their drainage analysis, Mr. Doto said that took into account water coming from the neighboring properties. They use the USGS contours. Mr. Quigley asked about the 2nd turn on the driveway. Mr. Doto explained that it is below grade, any flow will come onto the driveway and into the storm water management system. Shortwoods Aquaphur discussed as a potential source of drinking water for the town. Jeff Main stressed the importance of protecting the watershed. Spill containment measures discussed. Pat Del Monaco stated that she is concerned for the wetlands during construction. She felt they are so close to functioning wetlands, constructing right on the wetland line. She is concerned about building a wall up to 18 feet high in an area where the water has a potential to rage during big storm events and felt they would be creating a channel with the wall during heavy rains and that the wetlands could then get damaged. She also felt that construction can be devastating for this wetland. Jennifer Licht agreed and voiced concern regarding the narrow area and the difficulty they will have to get equipment down. Mr. Doto stated that if the work is done properly and at the right time of year, it can be done safely for the wetlands.

Alternatives with regard to the driveway were discussed. Mr. Doto's alternate plan (Alt A) would increase the length of the driveway and have 2 stream crossings. This would have a direct permanent wetland loss and would increase cuts on the high side. Also discussed was building the house on the other side of the property. The driveway would have an approximate 85 degree angle. There is also a stream and wetlands lower on the property where the house would go.

Public Comment- Bill McCann, President of the N.F. Land Trust, wanted to know when a decision will be made on this application. Pat Del Monaco informed him that the Commission must vote on this within 65 days of closing the Public Hearing.

Barbara Chitester, resident at 30 Beaver Bog Rd voiced concern with the 2nd curve of the driveway- it is a steep area. She was also concerned with erosion and hillside stabilization. Pat Del Monaco said this is a concern for the Commission and they would address any potential erosion issues. Mr. Doto said it will be a fill wall at that location. They will have erosion controls on the downside and will build during the dry season. He also said they will be downhill from the Chitester's in this area so there will be no erosion problems on the Chitester's property.

Brain Chitester, resident at 30 Beaver Bod Rd. stated he felt that the steep incline at the beginning of the driveway (phase 1) is a big concern to him. It's steep and narrow with water at the bottom. He also feels that the curve of the driveway will be dangerous in bad weather.

Jeff Main felt that while Jodi Chase's report was good, he said she failed to mention plant species that are of special concern. Herbasist species were not mentioned. He felt she should have an inventory of what is in the wetlands and that her report was incomplete. Pat Del Monaco agreed with Jeff that Jodi Chase was only on the property at on time during the year and that we don't get the fullest picture of the functionality of the wetlands and the habitat that it provides. Attorney Jerome Mayer said in his opinion the Commission does not have any jurisdiction over flora and fauna only the impact on the wetland, hydraulically (soil types and water flow, not the impact on the flora and fauna).

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Gerry Schwalbe made a motion to close the Public Hearing, second by Jeff Main, all in favor.
Public Hearing Closed

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

Regular Meeting

The Commission scheduled a workshop for 32 Beaver Bog Road at the end of the regularly scheduled meeting in February (2/12/08).

Correspondence

Letter & Plans from Tammy Talbot, State of Ct DEP, State Parks Division, Re: General Permit Application for Squanz Pond State Park. This is out of our jurisdiction. Tom Quigley thinks the Commission should send a letter back to say that we've reviewed their plans and that we are in favor of it.

Letter from the State of CT DEP, Re:2007-1 Legislation & Regulations Advisory. No discussion.

Letter from Brian Chitester, Re: 32 Beaver Bog Rd. Members have a copy, no discussion.

Letter from Jerome Mayer, Re: 32 Beaver Bod Rd, Jodi Chase's wetland assessment dated November 11, 2007. Members have received a copy of her assessment.

Administrative

Approve Legal Fees- None

Approve December 11, 2007 Meeting Minutes-Tom Quigley made a motion to approve the 12/11/07 Minutes, second by Jeff Main, all in favor. **Approved**

Revised Yearly Calendar-Members have received a copy.

Discuss Regulations, Application, etc. Tom Quigley said the Regulations need to get done before July 1st. The Commission should plan a special meeting to workshop the regulations.

Conservation issues for the Town of New Fairfield. Tom Quigley stated that since the Commission is a member of NW Conservation we should get them to make up watershed maps of New Fairfield to have on file.

Adjournment

Jeff Main made a motion to adjourn the meeting, second by Gerry Schwalbe, all in favor.
Adjourned @ 11:15pm.