

**Conservation/Inland Wetlands Commission  
Town of New Fairfield  
4 Brush Hill Road, New Fairfield, CT 06812  
Regular Meeting  
June 17, 2008  
New Fairfield Senior Center  
7:15pm**

**Call to Order**

Patricia Del Monaco called the Inland Wetlands meeting to order at 7:20pm.

**Members in Attendance**

Patricia Del Monaco, Tom Quigley, Jennifer Licht, Gerry Schwalbe, Mary Aragonés, Niev Duffy and EEO Tim Simpkins. Minutes were taken by Lisa Zustovich.

**Notice of Violations**

**11 Woods Rd, Creating a driveway and patio area without appropriate permits, Map 45, Block 1, Lot 8, Fay.** Deferred to New Business.

**107 Shortwoods Rd, Digging in the brook without the appropriate permit, Map 14, Block 2, Lot 6.1, Jusufi.** Deferred to New Business.

**New Business**

**11 Woods Rd, Creating a driveway and patio area without appropriate permits, Map 45, Block 1, Lot 8, Fay.** Owner Joan Fay present along w/her son Jonathan Fay. Most of the work is done. A sketch showing the work that was done was reviewed. The pathway ends right before the 440 line as per Jonathan Fay. EEO Tim Simpkins said he would help verify whether that the work was done above the 440 line. Tom Quigley had been out to the site and noted some erosion. Water Berms and Check Dams to slow water flow discussed. The Commission wants to see drawings with plans for erosion control. Tom Quigley made a motion to accept the application for review, second by Jennifer Licht, all in favor. **Accepted & Continued.**

**4 Harlequin Dr, SFD, Map 10, Block 9, Lot 1, Skaarva.** No owner/rep present. Application and maps reviewed. Tom Quigley stated he had been out to the site. The driveway is existing. The Commission needs to see proposed grading, erosion control measures, construction access to the rain garden, and limits of disturbance. Mary Aragonés made a motion to accept the application for review, second by Jennifer Licht, all in favor, **Accepted & Continued.**

**11 Lake Drive, Clearing property, create a beach and dock, Map 31, Block 7, Lot 30, Huntington.** Christopher Huntington present. Tom Quigley and Tim Simpkins have been out to the site. The owners want to remove invasive species and create a beach area (w/sand) above the water. The Commission needs to see:

- More information on the dock (size, material it will be made out of, will it be anchored)
- Planting plan
- Dimensions of proposed beach area (needs to be above the water line, no sand can be put in the water)
- Amount of sand (how many yards) they plan to bring in
- Erosion controls

Mary Aragonés made a motion to accept the application for review, second by Tom Quigley, all in favor. **Accepted & Continued.**

**(New Business-Continued)**

**107 Shortwoods Road, Removed trees & stumps from wetlands, Map 14, Block 2, Lot 6.1, Jusufi.** No owner/rep present. Maps reviewed. Pat Del Monaco suggested that Commission member go out and visit the site. The Commission discussed needing to see a survey. Jennifer Licht made a motion to accept the application for review with the stipulation that the applicant provides a survey showing the area in question, second by Gerry Schwalbe, all in favor except for Niev Duffy who was opposed due to insufficient information. **Accepted (5-1) and Continued.**

**Old Business**

**66 Woodcreek Road, Modification of permit #I/W-07-065, Map 20, Block 12, Lots 5 & 6, McEachern.** Ralph Gallagher present representing the owner. They are waiting for information from Brian Wood from First Light. No new information available at this time. **Continued.**

**3-5 Bay Drive, SFD, Map 15, Block 12, 16 & 17, Thuesen.** Ralph Gallagher present representing the owner. New drawings submitted and reviewed. Grading of the driveway discussed and shown on the drawings. Distance of disturbance to wetlands discussed. Mr. Gallagher stated that the edge of the driveway to the wetlands is 29 feet and the corner of the house to the old well (which will be abandoned) is 30 feet. Leader and footing drains will go into the curtain drains. Gerry Schwalbe stressed the importance of erosion controls during construction. It was decided that the silt fence line should mark the area of non-disturbance. Tom Quigley made a motion to approve the application with the following stipulations:

- Limit of disturbance=the silt fence line as shown on the drawings
- Drawings be modified to show the distances of disturbance to the lake
- Drawings to modified to show erosion control around the inlet protection for the drain on Bay Drive (hay bales around the entire stone area)

Second by Jennifer Licht, all in favor. **Approved w/stipulations.**

**126 Route 37, Removal of violation, removal of stock piled soil, Map 19, Block 15, Lot 23, Penna.** Rob Sibley present representing Mr. Penna. Soil is still being removed. Approximately 750-800 yards of soil remains. Approximately ¼ of the pile has been removed. Mr. Sibley stated that he plans to have all the soil removed by the end of the summer. Tim Simpkins stated that once the application gets approved, Mr. Penna has someone to who will be taking 400 yards of soil. The Commission discussed the plastic containers (5 gallons each) of chlorine that are stored outside under a roof overhang on wooden palates. Mr. Sibley stated he felt this was adequate way to store them. Removal of invasive plants discussed. Mr. Sibley said once the application is approved they will begin removal of the invasives by hand. Mary Aragonese made a motion to approve the application with the stipulation that all of the stock piled soil be removed by September 16, 2008 and that the applicant report back to the Commission at the 9/16/08 meeting to confirm progress on this application, second by Gerry Schwalbe, all in favor. **Approved w/stipulations.**

**51 Ball Pond Road East, Repairing the stone wall along the lake and a fence on the North side, Map 22, Block 5, Lots 28 & 29, Kurti.** Mr. Kurti present. Work will be done by hand to repair the stone wall. Gazebo and concrete pad has been added to the application. He will repair the roof on the gazebo and repair the concrete pad by having new concrete poured on to of it. He will not be increasing its size. A 6 foot high fence will be put up on the North side, approximately 75 feet from the pond. Jennifer Licht made a motion to approve the application, second by Tom Quigley, all in favor. **Approved.**

**(Old Business-Continued)**

**172 Ball Pond Road, repairing the dilapidated stone wall along the lake, Map 35, Block 12, Lot 7, Pelosi.** Owners present and submitted pictures showing the area where the stone wall needs repair. The wall will be approximately 2 feet high by 25 feet long. No digging will be done. No mortar will be used. They are cleaning in the water with a rake only. No digging in the water will occur. Tom Quigley made a motion to approve the application with the stipulation that no mortar is to be used and that the wall will be rebuilt on the existing foundation, second by Gerry Schwalbe, all in favor. **Approved w/stipulations.**

**14 Pinewood Dr, Removal of soil that created a pond, Map 9, Block 2, Lot 1.26A, Cerra.** Mr. Cerra present. During the construction of the sub-division the builders created a berm that has created a pond. The owner would like to remove the berm. Pat Del Monaco stated that she did not feel this was a regulated area and that no permit was required. The Commission was in agreement. **No Permit Required.**

**283 Route 39, Demolish and rebuild existing house, Map 6, Block 6, Lot 3, Scott.** Mr. Peder Scott present and stated that he was granted a variance from the ZBA. They will be rebuilding on the existing footprint except for an additional area of 18' x 20' on the rear of the proposed home. Maps and photos reviewed. As they demolish the existing home they will remove debris from the site directly into trucks and hauled away. They will inspect the foundation and remove it if required. The new foundation would be poured. They plan to have a double row of silt fence on the Squantz Pond side and a line of silt fencing on top of the hillside adjacent to Route 39. Tom Quigley informed the owner that he should put up a 6 foot high orange construction fence to help contain construction debris. They will be removing dirt off site except soils needed for back filling purposes which will be stock piled on the slab as per Mr. Scott. The septic is existing; tank was replaced in 1996 (as per Mr. Scott). Roof leader drains discharge to the corners which discharge into the ground. They will maintain these connections. Gerry Schwalbe made a motion to approve the application with the stipulation that a 6 foot high construction fence be installed behind the silt fencing, second by Mary Aragonese, all in favor. **Approved w/stipulations.**

**10 Sylvan Road, SFD, Map 25, Block 2, Lot 9.2, Burrell.** Ralph Gallagher present representing the owners. New maps provided. Grading discussed and is now shown on the maps. Storm water detention galleries for house leader drains and driveway shown. Drainage calculations provided and reviewed. Distance of dwelling to lake- 226 feet. Distance from small intermittent stream to septic- 80 feet. Force Main installation discussed. Gerry made a motion to approve the application with the stipulation that as the force main is installed, erosion control measures are instituted (silt fences are to be installed) and that curbing be shown on the driveway, second by Jennifer Licht, all in favor. **Approved w/stipulations.**

Gerry Schwalbe made a motion to amend the agenda under Old Business to include 160 Ball Pond Road, second by Tom Quigley, all in favor.

**160 Ball Pond Road, Map 34, Block 9, Lot 9+11.1, Miltenberger/Michele Holmes LLC.**  
Deferred to Public Hearing.

Tom Quigley made a motion to suspend the Regular Meeting and enter into Public Hearing fro 73 Woodcreek Road, second by Jennifer Licht, all in favor.

## **Public Hearing**

**73 Woodcreek Road, Improve Wood Road and construct a SFD, Map 20, Block 12, Lot 24, Matranga.** Pat Del Monaco notified everyone that there was improper notification of the public hearing at last months meeting by the applicant. The Public Hearing session from last month is invalid but she would like to incorporate by reference, the tapes from last month's session pertaining to 73 Woodcreek Road so that we could include in our records any comments that were made by the public at last months meeting.

Return receipts and a list of the adjoiners that were sent notification submitted to Tim Simpkins by Mr. Marcus. Engineer Doug DiVesta present, representing the Matrangas. New information packets were submitted by Mr. DiVesta included the following: sequence of construction, drainage calculations, revised proposed site plan showing erosion controls, profiles of the road, driveway and cutting through the entrance on Woods Road, information on polymers to be used for erosion control. Mr. DiVesta discussed erosion control measures with the use of polymers, flock logs, check dams, silt fencing and hay bales. Mr. DiVesta stated they would also use the infiltration system as temporary sediment basin, then once the area is stabilized the sediment would be removed. Grading discussed. Run-off discussed, Mr. DiVesta stated there would be a zero increase in run-off.

Pat Del Monaco said that she is very concerned with erosion and the extent of the cut to make the circular part of the driveway. She asked Mr. DiVesta if he can look into alternative plans with regard to the circular portion of the driveway. Mrs. Del Monaco is concerned with run-off control post construction. She stated she would like to look into the access that is there now (the existing driveway), or an alternative that does not have a full driveway, but that stops at Woodcreek Rd and has a parking area at that point and has a golf cart path that goes the rest of the way. She is concerned with a great potential for significant erosion during construction.

Tom Quigley stated he agreed with Mrs. Del Monaco's concerns and also felt that there was going to be a lot of material coming out and that it would be hard to contain it. Niev Duffy voiced concern for the steepness of the area and for the potential for mudslides. She also stated that she felt it would be difficult to get emergency vehicles up the narrowest part of the driveway. Jennifer Licht echoed Mr. Quigley and Mrs. Del Monaco's concerns. The Commission wants to see profiles of the soils on the hillside and would like to see alternatives for the circular portion of the driveway. Run-off discussed (zero run-off for a 25 year storm as per Doug DiVesta). The Commission would like to see calculations for a 50 year and 100 year storms. There was a discussion regarding steepness of the hillside and potential for erosion which is a great concern to the Commission. Mr. DiVesta explained shelving and stone check dams as ways to decrease velocity.

### Public Comment

Darlene Schook, a resident at 65 Woodcreek Raod, said that she was concerned with the removal of material from the property and the possibility of an accident. She stated there are areas of Woodcreek Road that is very narrow and worries about large equipment accessing the site. Pat Del Monaco stated that the Commission has asked for a sequence of construction that will give them information regarding this. Charles Simmons, resident/owner of 54 Woodcreek Road stated that he is greatly concerned with run-off. He also asked the applicant's council check the tax records to get his current mailing address so that he can receive notifications regarding this matter (application). Maureen O'Doherty, an attorney representing a number fo the abuting property owners spoke. She asked if this was considered a significant activity. Ms. O'Doherty state there was an intermittent stream on the property and was assured that this would be looked into.

The Commission informed Mr. DiVesta that they need to see the following:

- Alternative plans for the driveway
- Soil profiles
- Run-off calculations for both a 50 year and a 100 year storm.

Mr. Marcus-attorney for the Matrangas- granted the Commission the maximum extension of 65 days for this application. A site walk was scheduled for June 28, 2008 @ 9am. Mary Argagones made a motion to continue the Public Hearing for 73 Woodcreek Road to our next Regular Meeting on July 22<sup>nd</sup> with a site walk on 6/28/08 @ 9am and enter into the Public Hearing for 160 Ball Pond Road, second by Tom Quigley, all in favor. **Continued.**

## **Public Hearing**

**160 Ball Pond Road, Replace damaged trees, stone wall along Ball Pond Road, rebuild existing retaining wall, stairs, remove stump and remediation work, Map 34, Block 9, Lot 9+11.1, Miltenberger/Michele Holmes LLC.** Owner Mr. Miltenberger present along with Michele Holmes. Mary Aragonese recused herself. Pat Del Monaco reminded everyone that discussion would be limited to only the items listed in this application. Michele Holmes said they propose to rebuild the retaining wall by the septic system because it is crumbling. They also need to build a staircase to the lower patio beneath the deck. Both the wall and the stairs would be built with natural boulders and both would be located on the south side of the property. They also need to put a walkway from the second level deck to the parking area. A stump needs to be removed along with trees that the arborist said are dying (on the south end of the property). Also proposed is a wood fence along the front of the property with stone pillars by the driveway entrance. 72" high stone in front of the house and 72" wood (cedar) will connect off of that. Stump removal discussed. The Commission is concerned with stabilizing the site (during removal) to protect the pond. Gerry Schwalbe suggested that they use a turbidity curtain. EEO Tim Simpkins suggested cutting the roots as the stump is being removed.

Sequence of construction discussed. Ms. Holmes stated she planned to remove the stump, then build the staircase and then build the retaining wall. Pat Del Monaco asked how she would protect the pond and the septic system (concerned with erosion). The Commission suggested changing the sequence of construction to better stabilize the area. They suggested, removing the stump first then build the wall then construct the stairs last. It was suggested that filter fabric should be put behind the wall. Staircase and wall location discussed. The wall will not be placed in the water. The arborist's report was reviewed and tree removal discussed. If the trees in question are removed, the stumps should not be removed except for the tree where the septic tank will go.

Ms. Holmes was notified that she needs to have better erosion control measures before removing the stump. It was stated by the Commission that Ms. Holmes needs to temporarily stabilize the area between the stump removal and the construction of the wall. The Commission said she should pull soil back approximately 6 feet to stabilize the slope. She should build the wall and place filter fabric behind the wall, then build the stairs. Mr. Holmes said she would have erosion control around the entire area of the tank where the stump will be removed. Pat Del Monaco said the other stumps should be flush cut, the stumps are not to be removed.

## Public Comment

Jane Didona, a landscape architect, representing the Friends of Ball Pond was present. Ms. Didona distributed packets to the Commission members with her comments and gave a summary of the information in this packet to the Commission. A copy of this packet/presentation is included with the minutes. Ms. Didona would like to see topographic information, a planting plan and planting done by a licensed landscape architect. She also felt there should be not sand beach and would like to see a

survey showing the entire project and would like to see verification of the shoreline to see if it has been altered. Mary Yulo, resident of 11 Arrowmeadow Road read her letter of concern/comments into record. A copy of her letter is attached. Charles Pavarin, resident of 162 Ball Pond Road stated he felt the Commission should take into consideration the erosion that occurs/will occur to neighboring properties. He also said he felt Ball Pond is an incredible natural resource for the town and that his house and 160 Ball Pond Rd are both reaching an age where they would be of historic value and that should be preserved. Walter Hope, resident of 144 Ball Pond Road said he was concerned with the 6 foot wall in front of the house with regard to safety and noise pollution. Gloria, a Ball Pond area resident said she was also concerned with the wall in front of the house with regard to safety. She was also concerned with the type of paint and stain that is being used to finish the wall behind the house and wanted to know if it was safe and/or what impact these products would have on the environment. Pat Del Monaco informed the public that this Commission can only address wetlands issues and that safety, noise pollution or other issues needs to be taken up with the appropriate town and/or state agencies (e.g. DOT) Mrs. Del Monaco also said that she would look into what paint/stain products were being used to finish the wall. A resident at 132 Ball Pond Road requested that the Commission receive professional engineering advice on construction of the stairway and retaining wall. The Commission asked Michele Holmes to provide a stamped drawing on the wall and stairs by a licensed professional engineer. They also want to see a site plan and a sequence of construction. A resident at 5 Ball Ave asked Commission member to come out and visit the site. A resident at 4 Ball Ave. stated they feel that areas have been filled. Ms. Didona stated that there is an excessive drop behind the silt fence and that there is no stabilization of the sand. Pat Del Monaco said she would come out and take a look at the sand. **Continued.**

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

#### **Regular Meeting-Correspondence**

Letter from John Hodge, First Selectman: Appointing Niev Duffy as a commission Member. Pat Del Monaco welcomed Ms. Duffy to the board.

Letter from David Traystman, Re: Complaint against 11 Lake Dr BP, Deangelis/Huntington. Previously discussed.

Complaint from Richard Johnson, Re: 79 Woodcreek Road. Commission members have received a copy. No discussion.

Letter from Attorney Neil Marcus, Re: 66 Woodcreek Rd. Previously discussed.

#### **Administrative**

Approve May 20, 2008 Meeting Minutes. Gerry Schwalbe made a motion to approve the 5-20-08 meeting minutes, second by Tom Quigley, all in a favor. **Approved.**

Legal Fees- No discussion

Discuss Regulations, Application etc.- The Commission members will set up another meeting date via email.

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

#### **Adjournment**

Tom Quigley made a motion to adjourn the meeting , second by Jennifer Licht, all in favor. **Adjourned at 11:45pm.**