

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

*Regular Meeting
May 20, 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, Gerry Schwalbe, and Jennifer Licht. EEO Tim Simpkins present. Minutes were taken by Lisa Zustovich.

Notice Violations

11 Woods Rd, Creating a driveway and patio area without appropriate permits, Map 45, Block 1, Lot 8, Fay. EEO Tim Simpkins was notified of activity and went out to the property where he noted an access way had been created (it looks to be above the 440 as per Tim) long with a small retaining wall in a regulated area. The owner was notified that she needs to fill out an application for the work that has been done. **Continued.**

107 Shortwoods Rd, Digging in the brook without the appropriate permit, Map 14, Block 2, Lot 6.1, Jusufi. No owner was originally present. Tom Quigley stated he noted that the owner went into Beaver Bog Brook and moved large rocks, changed channels and moved dirt, removed a tree and made a berm. This work went beyond his permitted area and into a non-disturbance area, The Commission wants to see an application for work done and remediation plan. [Discussion continued before Correspondence on the Agenda when the owner was present.] The owner was informed that he needs to submit an application for work already done and for any work he still wanted to do. Mr. Jusufi stated he didn't want to do any more work in that area. He was informed that he needs to explain in his application what was in the water, what he removed and why. If there are any other things in the water he wants to remove, he has to include this in his application along with his reason for wanting it removed. **Continued.**

126 Route 37, Pool Doctor, Lawrence Penna. Letter was sent to Mr. Penna re: stock piled soil. Mr. Rob Sibley from Sibley Professional Services present representing Mr. Penna. An application has been submitted. As per Mr. Sibley approximately 200 yards of soil have been removed so far. **Deferred to New Business.**

New Business

3-5 Bay Drive, SFD, Map 15, Block 12, 16 & 17, Thuesen. Maps reviewed. The Commission would like to see the following information:

- Grading
- Litter drains
- How driveway run-off will be handled
- Distance of disturbances closest to the lake-from garage to wetlands flags 11, 12 & 13, corner of driveway to wetlands flag 17 and back of the house to wetlands flags 20 & 21

The owner stated there is a hand dug farm well on the property.

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

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126 Route 37, Removal of violation, removal of stock piled soil, Map 19, Block 15, Lot 23, Penna. Rob Sibley present representing Mr. Penna and stated there is approximately 800 yards of fill present. They plan to remove a minimum of 175 yards/month. Gerry Schwalbe made a motion to accept the application for review, second by Tom Quigley, all in favor. **Accepted & Continued**

51 Ball Pond Road East, Repairing the stone walls along the lake, Map 22, Block 5, Lots 28 & 29, Kurti. Mr. Kurti present. Tom Quigley noted that the dock was also in need of repair and suggested that the owner include the dock repair in his application as well if he plans to repair it in the near future. Mr. Kurti stated that he will include the dock repairs (gazebo and concrete pad) on his application. Tom Quigley made a motion to accept the application for review, second by Jennifer Licht, all in favor. **Accepted & Continued**

172 Ball Pond Road, Repairing the dilapidated stone wall along the lake, Map 35, Block 12, Lot 7, Pelosi. Mr. & Mrs. Pelosi present. The property is a vacant, empty lot. There are no surveys or maps available. Hand drawn sketch submitted. Mr. Pelosi stated the wall is approximately 25 feet long by 2 feet high. The owners will bring a photo of the property to the next meeting. Commission members will go see the site. Tom Quigley made a motion to accept the application for review, second by Gerry Schwalbe, all in favor. **Accepted & Continued**

14 Pinewood Drive, Removal of soil that created a pond, Map 9, Block 2, Lot 1.26A, Cerra. Owner present and stated that the builder of the home created a pond for esthetics by creating a dam. He stated that unless the water is high and runs over it just sits stagnant, attracting bugs and mosquitoes. He would like to remove the soil to bring it back to its natural state. Tom Quigley made a motion to accept the application for review, second by Gerry Schwalbe, all in favor. **Accepted & Continued**

283 Route 39, Demolish and rebuild existing house, Map 6, Block 6, Lot 3, Scott. No owner/rep present. They will be rebuilding on the existing footprint except that they will be extending out towards the lake an additional 1 ½ feet. The deck will be smaller than the original as per EEO Tim Simpkins. Gerry Schwalbe made a motion to accept the application for review, second by Jennifer Licht, all in favor. **Accepted & Continued**

10 Sylvan Road, SFD, Map 25, Block 2, Lot 9.2, Burrell. No owner/representative was originally present. Maps reviewed, contours and stream location discussed. Tim Simpkins explained that there are now 2 parcels. They are proposing to sub-divide one of the parcels (sub-divide parcel 2 into 2A & 2B). The Commission wants to see:

- Distance to the lake
- Roof liter drains
- Distance to the stream
- Grading
- Drainage calculations

[Discussion of the application continued after the Public Hearing when Ralph Gallagher was present] The Commission informed Mr. Gallagher that they need to see the above mentioned items. Jennifer Licht made a motion to accept the application for review, second by Gerry Schwalbe, all in favor. **Accepted & Continued**

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Old Business

160 Ball Pond Rd, replace damaged trees, stone wall along Ball Pond Rd, rebuild existing retaining wall, stairs, remove stump, and remediation work, Map 34, Block 9, Lots 9+11.1, Miltenberger/Michele Holmes, LLC. Pat Del Monaco stated that there is a petition on this property. This will be moved to a Public Hearing. The owner and the public were notified that there would be no discussion regarding this application at this meeting. The Public Hearing was scheduled during the next regular meeting on June 17, 2008. **Continued to Public Hearing**

66 Woodcreek Road, Modification of permit #I/W-07-065, Map 20, Block 12, Lot 5 & 6, McEachern. [This application was discussed before correspondence on the agenda since no representative was present earlier] Mr. McEachern owns this piece of property that is a 50 foot right-of-way to Lake Candlewood which other residents have rights to use. The stairway was originally approved. Mr. Gallagher showed plans to revise the stairway and address the drainage issues. They plan to pipe drainage to prevent erosion and install a rip rap pad (as per Brian Woods from First Light) and a rain garden. As per Ralph Gallagher, First Light is concerned with erosion. The owner needs to show a permit from First Light. Soil Report from Henry Moeller submitted. Tom Quigley stated he was concerned with piping, feeling it would increase velocity. Location of a pipe that comes out of the wall discussed. There is a disagreement between Mr. McEachern and neighbor Mr. Johnson on the location of this pipe. Pipe location will be confirmed. Pat Del Monaco voiced concern with using a back hoe on the property and was also concerned with putting in a rip rap spreader on the bottom of the lake. Ralph Gallagher said this is something that First Light wants. The Commission needs to see more information on the design of the rain garden. Attorney Neil Marcus stated other owners that have an interest- a right to pass and re-pass- and none of these owners have been notified of any activity on this property. Mr. Marcus said he would send the Commission a copy of the statute that states any persons that have an interest needs notification. The Commission informed Mr. Gallagher that they need to see the following:

- Specifics of the design of the rain garden
- How they plan to do the work
- First Lights approval.

Continued

124 Lake Drive, Amendment of permit #I/W-05-008, Map 25, Block 1, Lot 46 & 47, McConvey/Della Vale & Bernheimer Design, LLP. Mr. Culligan from Della Vale & Bernheimer present. The location of the rain garden changed. New drawings showing as-built location of the rain garden reviewed. The location was changed-as per Mr. Culligan-to better prevent erosion from the road drainage. The surrounding area is graded and pitched toward the rain garden. Buffer between the lawn and the lake discussed. Also discussed was a planter shown on the plans. The owner would like to change this and put in a reflecting pool/koi pond. It would be the same size as the planter with no additional disturbance. Jennifer Licht made a motion to approve the amendment to the permit, second by Tom Quigley, all in favor.

Approved

Tom Quigley made a motion to suspend the regular meeting and enter into the Public Hearing for 73 Woodcreek Road, second by Gerry Schwalbe, all in favor.

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Public Hearing

73 Woodcreek Road, Improve Wood Rd, and construct a SFD, Map 20, Block 12, Lot 24, Matranga. Doug DiVesta present representing the Matrangas. Mr. DiVesta stated that this is a 7 acre property. They propose to improve the entrance to Woods Road and build a single family dwelling. The land slopes from the west to the east towards Candlewood Lake as per Mr. DiVesta. There is an easement from 3 properties to enter this property. Mr. DiVesta stated that the existing road is too steep and they have proposed to increase the driveway in order to decrease the steepness (reduce the slope). With regard to drainage they have calculated for a 25 year storm. Soils in the area (as per Mr. DiVesta) are silty loam based on deep test holes and feel these soils are adequate to handle the infiltration of the run-off. Mr. DiVesta discussed erosion controls. They will have check dams along the road during construction, silt fences on the down hill slopes, hay bales at the entrance ways each night and on weekends and double silt fence and hay bales in critical areas. Grading discussed. There will be significant grading. Blasting will be regulated by the Fire Marshall and be done by a licensed blaster. The septic area has been approved by the Health Department.

A revised plan was submitted to the Commission member showing minor adjustments to the plans to reflect the correct location of the silt fencing and retaining walls.

Pat Del Monaco asked about the sequence of construction. Mr. DiVesta stated they would start in the area where the existing road is and take out material with a small excavator (take it off site), so they can create a staging area, put up silt fencing the start excavation of the road. They would then move up the road and start installing catch basins and infiltration systems. Tom Quigley asked why there are no sediment basins proposed. Mr. DiVesta said they felt that with the type of material present, they did not need to propose one at this time.

Calculating for a 25 year storm discussed. Mr. DiVesta stated that a 25 year storm is 5.7" of rain in a 24 hour period. Steepness of grade discussed. Mr. DiVesta said they can go steeper because they are going into ledge rock. (can go with a 6.1% slope with ledge). The slope of the driveway discussed. It will be reduced to 3-5% at the entrance way, increasing to an 8% then to 10% and then it will follow the grade of the hillside. The original road is greater than 15%.

Pat Del Monaco expressed concern regarding erosion and asked how long the driveway would be exposed until it is paved. Mr. DiVesta said it would be exposed for approximately 6 week, maybe a little longer. Gerry Schwalbe said he would like to see a road profile and a cross section of the circular portion of the roadway. He asked about the filling to the center and about a storm water management system. Gerry also asked Mr. DiVesta if they had confirmed that the roadway curves could accommodate emergency vehicles. Mr. DiVesta stated that he had checked into that.

Temporary siltation ponds discussed to catch what is coming down the road during constructions. Mr. DiVesta said he would look into this.

Attorney Neil Marcus present representing the Matranga's. He discussed easement rights to Woods Road. There has been legal action regarding Woods Road and the easement rights. The road is on private property which is needed in order to access the property. Woods Road exists in historic files as per Mr. Marcus (pre-existing Candlewood Lake as far as he could tell).

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Pat Del Monaco reminded everyone that they would only be discussing wetlands issues not any legal issues. On lot 8, Mr. McEachern's property, the driveway will be only 8 feet wide, otherwise it will be 12 feet wide.

Public Comment

Attorney, Maureen O'Doherty representing some of the neighboring property owners spoke. Procedures for submitting applications and new information discussed as well as notification to neighboring property owners with regard to the Public Hearing. Ms. O'Doherty questioned why the engineers only calculated for a 25 year storm. She stated that Mrs. Penders and Mr. McEacherns properties are not properly indicated on the map. She also questioned what signifies a significant activity for the Wetlands Commission. Pat Del Monaco informed her that some requirements are at the discretion of the Commission on a case by case basis. Whether the Commission felt this application is a significant activity was discussed. Ms. O'Doherty said that the proposed road would be 12 feet wide on the Pender's property and 8 feet wide on the McEachern's property. The lateral support walls would not be on their properties at all so this would reduce the width of the roadway by approx 2 feet (as per Ms. O'Doherty). She also stated concern regarding run-off onto Mrs. Pender's property.

Charles Simmons owner of 54 Woodcreek Road stated he lives down grade from the proposed site plan and is profoundly concerned with measures proposed during construction phase and had the following questions:

- How many cubic yards of soil will be removed during excavation?
- Are the infiltrators sufficient to capture the enormous run-off from the granite slope and impervious soils?
- Why they haven't proposed any kind of catch basins?

He felt that Candlewood Lake will be the catch basins from this project.

Ralph Gallagher, representing Mr. McEachern, requested a copy of the plans so they can review them. They are concerned with the 8 foot wide easement across Mr. McEachern's property. Mr. Gallagher stated that with grading they would wind up with an approximate 6 foot wide roadway. They want to see the grading plan, drainage and erosion controls. They would also like to see the design of the infiltration system.

Maureen O'Doherty discussed an original cut made in 1994 that was never repaired, along this path. A femoral stream was created since 1999. She feels this may potentially needed to be reviewed by the Army Core of Engineers.

A resident from 75 Woodcreek Road stated that emergency vehicles are almost 8 feet wide and didn't feel the narrow roadway would be adequate to accommodate them.

Doug DiVesta discussed run-off concerns.

A Site Walk was scheduled for Saturday, June 7, 2008 @ 10am. Pat Del Monaco explained the procedure for site walks and let the public know that there is no discussion or public comment at a site walk.

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Run-off issues during construction discussed. The Commission said they need to look at the watershed. The Commission also discussed with Mr. DiVesta calculating for more than a 25 year storm. Pat Del Monaco stated that the Commissions biggest concern with this piece of property is erosion and sedimentation into the lake. Tom Quigley questioned Mr. DiVesta regarding if in any part of this application the slope is greater than 25% (existing condition that will be reduced). Mr. DiVesta stated that he believed there was and that he would check and see.

Tom Quigley made a motion to continue the Public Hearing to a Site Walk on Saturday, June 7, 2008 @ 10am, second by Gerry Schwalbe, all in favor. **Continued to 6/7/08 Site Walk @ 10am**

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

Regular Meeting-Correspondence

Jennifer Licht made a motion to amend the agenda under Correspondence to include a letter from David Traystman dated May 5, 2008 to the Chairman. Second by Gerry Schwalbe, all in favor.

Mr. Traystman present and stated that neighboring property owners at 11 Lake Drive located at the southern part of Ball Pond, has been cutting back a significant amount of brush. He wanted to know if this was a wetlands violation. Pat Del Monaco stated that from what she had seen there was no disturbance to the waterfront, no trees had been cut down and no stumps were removed. Cutting back the overgrown brush is a permitted activity and not a wetlands issue. Tim Simpkins said he would get the photos and information to the Commission members. Pat Del Monaco encouraged the board members to go out and see the property before next months meeting.

Information submitted by Michele Holmes, Re: 160 Ball Pond Road. No discussion this application has been continued to a Public Hearing.

Petition from Cynthia Stevens, Re: 160 Ball Pond Road. Previously discussed.

E-mail from Russ Strilowich. Commission members have received a copy.

Administrative

Approve April 15, 2008 Meeting Minutes. Tom Quigley made a motion to approve the April 15, 2008 meeting minutes, second by Gerry Schwalbe, all in favor. **Approved**

Legal Fees. The Commission members have received a list of legal fees which have been paid.

Discuss Regulations, Application, etc. continued to a Special Meeting May 29, 2008. The Commission members need to change the meeting date and will confirm a date via email.

Conservation issues for the Town of New Fairfield. None

Adjournment

Tom Quigley made a motion to adjourn the meeting, second by Jennifer Licht, all in favor. Meeting adjourned at 10:20pm.