

**Conservation/Inland Wetlands Commission  
Town of New Fairfield  
4 Brush Hill Road, New Fairfield, CT 06812  
Regular Meeting  
September 16, 2008  
New Fairfield Library  
7:15pm**

**Call to Order**

Tom Quigley called the meeting of the Inland Wetlands Commission to order at 7:25pm.

**Members in Attendance**

Tom Quigley, Gerry Schwalbe, Mary Aragonese, and Niev Duffy. Patricia Del Monaco and Jennifer Licht joined the meeting at 8:35pm. EEO Tim Simpkins present. Minutes were taken by Lisa Zustovich.

**Cease & Desist Order**

**160 Ball Pond Rd, Shoreline south of the dwelling has been extended 2-5 feet into Ball Pond with sand, dirt & stones, Map 34, Block 9, Lot 9+11.1, Miltenberger/Michele Holmes, LLC.** As per Tim Simpkins, he will meet at the site with Gerry Schwalbe and Pat Del Monaco with the engineer to discuss the proposal. He hoped to have this meeting next week. The Sequence of Construction is done as per Michele Holmes. Tom Quigley said the Cease & Desist order will remain in effect until the above meeting occurs and the sequence of construction gets approved.  
**Continued**

**Notice of Violation**

**237 Route 39, Working on retaining wall adjacent to Squantz Pond w/o a permit, Map 6, Block 6, Lot 5, Cantrell.** Richard Smith present representing the Cantrells. He stated that the Cantrells were unaware they needed a permit to repair the wall. They have an application.

**Deferred to New Business**

Gerry Schwalbe made a motion to amend the agenda under New Business to include 237 Route 39, second by Mary Aragonese, all in favor

**New Business**

**237 Route 39, Working on retaining wall adjacent to Squantz Pond w/o a permit, Map 6, Block 6, Lot 5, Cantrell.** All work is done. Maps provided and reviewed. The Commission needs to see the height of the wall that has been built, the location of the septic, contour lines and a letter from First Light. Gerry Schwalbe made a motion to accept the application for review, second by Mary Aragonese, all in favor. **Accepted for review & continued.**

**11 Lake Drive, Clearing property, create a beach and dock, Map 31, Block 7, Lot 30, Huntington.** The Commission has received 4 letters with regard to this application. The Commission has decided to refer this matter to town council for review. **Continued**

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**107 Shortwoods Rd, Removed trees and stumps from wetlands, Map 14, Block 2, Lot 6.1, Jusufi.** EEO Tim Simpkins, Pat Del Monaco and Mary Aragonas met out at the site with Gary Mead. It was decided that it would create more of a disturbance to have the owner un-do the work that had already been done and said they felt he should create a non-disturbance zone 50 feet back from the water. Gerry Schwalbe made a motion to approve the application with the following stipulations:

1. A 50 foot non-disturbance zone be created and depicted on the map
2. Planting plans with wetland plants be provided and approved by the EEO and at least 1 member of the Commission

Second by Mary Aragonas, all in favor. **Approved w/stipulations**

**66 Woodcreek Rd, Re-submitted request to modify permit # I/W-07-065, Map 20, Block 12, Lots 5 & 6, McEachern.** Peter Young present, representing the owner. As per Mr. Young they want to control road drainage on the property with a series of pipes and manholes down to a detention/rain garden. They have shifted their plans over 4-5 feet from the property line as previously discussed. They also removed the catch basin and outlet pipe and changed it to a rip rap outlet as previously discussed (at the July 22, 2008 meeting). First Light has been notified and notification of parties with rights to use the property has been done as per Mr. Young. An A2 Survey-dated January 2007-has been supplied.

Neighboring property owner Richard Johnson discussed his property line and his use of First Light's property beneath his property. Mr. Young said they would not remove his bushes or disturb the stairs or dock that Mr. Johnson has on First Lights property.

Gerry Schwalbe made a motion to approve the application with the following stipulations:

1. Rip rap overflow and bushes will not impinge upon the dock or stairs on First Lights property utilized by Mr. Johnson.
2. Disturbed area will be mulched if planting are not done by Oct 30<sup>th</sup> and ground not stabilized will be mulched by winter.

Second by Mary Aragonas, all in favor. **Approved w/stipulations.**

**14 Williams Rd, Detached garage w/storage on piers, Map 23, Block 11, Lot 7, Zackeo.** Vincent Zackeo present. Mary Aragonas and Tom Quigley said they had visited the site. Mary Aragonas made a motion to approve the application, second by Tom Quigley, all in favor.  
**Approved**

**2 Westview Trails, Requesting an extension of permit # W-03-57, Map 27, Block 5, Lots 13 & 14, Tekits.** Owners are requesting an extension of their permit which was originally approved on 1/20/04. Gerry Schwalbe made a motion to approve the extension of permit for 5 years, second by Mary Aragonas, all in favor. **5 year permit extension granted.**

**126 Route 37, Penna.** Rob Sibley present representing the owner. EEO Tim Simpkins said that time is up on the order to remove stock piled material. Mr. Sibley stated that he was at the site this evening (until 6:30pm) and soil was still being removed. There are only a few dump truck loads left to remove. It was noted that some fragmities have returned and purple loose strife are gone. Mr. Sibley said the are should be seeded and hayed by Friday.

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Tom Quigley stated that if by Monday things aren't done, the Commission will take action. The EEO will verify work is done on Friday. **Continued**

Tom Quigley made a motion to suspend the Regular Meeting and enter into a Workshop for 73 Woodcreek Rd, second by Mary Aragonas, all in favor.

### **Workshop**

**73 Woodcreek Rd, Improve Wood Rd & construct a SFD, Map 20, Block 12, Lot 24, Matranga.** Pat Del Monaco reminded the public that during the Workshop there is no public comment and no new information can be received on this application. Gerry Schwalbe reviewed the drainage calculations and stated that he was concerned with the impact to the houses below this project. He is concerned that this project may result in a diversion of water into some areas that have not been addressed. Pat Del Monaco stated that she shares Mr. Schwalbe's concerns and stated that the potential for erosion is a great concern. Management of storm water is a primary concern. Gerry Schwalbe stated that he feels a large amount of the watershed will not be contained in the system that has been designed and feels they don't have enough information. The entire watershed area had not been taken into account. Tom Quigley said he was concerned with the location of neighboring septic systems and what effects this project may have to them.

The Commission felt the alternate plan is better than the original plan but they are concerned with water run-off and that the storm water detention system size and location may not be adequate to accommodate this run-off. Neiv Duffy was concerned with erosion since there had been complaints of erosion on less steep areas of this property in the past. Tom Quigley felt the engineer had worked hard to address/answer the Commission's questions/concerns throughout the application process. Tom Quigley made a motion to close the Workshop and re-enter the Regular Meeting, second by Gerry Schwalbe, all in favor. **Workshop Closed**

### **Regular Meeting**

#### **Old Business (continued)**

**73 Woodcreek Rd, Improve Wood Rd & construct a SFD, Map 20, Block 12, Lot 24, Matranga.** Tom Quigley made a motion to approve the application, second by Jennifer Licht, all opposed. **Denied**

Pat Del Monaco stated her reason for opposing is the incompleteness of the application. She felt they do not have all the information needed to make a decision even though the applicant/engineer went to great lengths to give the information needed. The storm water retention remains a great concern. Tom Quigley echoed Mrs. Del Monaco's comments and added that they also needed distance of the neighboring septic systems which had not been provided.

Gerry Schwalbe made a motion to suspend the Regular Meeting and enter into a Public Hearing for 160 Ball Pond Road, second by Jennifer Licht, all in favor.

### **Public Hearing**

**160 Ball Pond Road, Replace damaged trees, stone wall along Ball Pond Rd, rebuild existing retaining wall, stairs, remove stump and remediation work. Map 34, Block 9, Lot 9+11.1, Miltenberger/Michele Holmes LLC.** Michele Holmes present. New/revised drawings reviewed. With regard to the stairs on the north side, the Commission is looking for an alternative for the stairs to leave some shoreline.

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(Public Hearing)

The Commission wants to preserve the shoreline. Neiv said she felt clarification of permits for the north side needs to be done. She is confused over what has been approved in the past. Tom Quigley attempted to clarify it for her.

Mary Aragonés questioned that why, since we have a cease and desist order on this property is the Commission even discussing this application. Pat Del Monaco informed her that legal council stated that the Commission has to review any application that comes before them. The owner has been sent a letter from Ronald Malmberg, the building inspector, ordering them to back fill the ditch by the utility pole.

The Commission wants an area of undisturbed shoreline, and they would like to see an alternative plan. Flipping the stairs and the decking discussed as an alternative. Gerry Schwalbe said the applicant needs to clarify the shoreline on the drawings and “shoreline area not to be disturbed” should be stated/shown on drawings. The area should be graded, planted and left undisturbed. No construction in that area. If the staircase gets moved back, the stump can stay. Tom Quigley asked how they will stabilize the area that leads up to the parking area, informing Ms. Holmes that the Commission does not want to see it stabilized with a wall. The Commission needs to see the outside wall’s (street side) actual placement on the drawings.

Pat Del Monaco informed the Commission that they are out of time on the Public Hearing and have only approx. 23 days to make a decision on this application unless the applicant withdraws and re-applies.

### Public Comment

Cynthia Stevens, residing at 1 Saterlee Rd, stated that she felt this job has been poorly managed and that it is a disgrace. Ms. Stevens asked why a staircase was being considered on the north side. She said the community wants remediation on both the south and north sides and doesn’t feel there is a need for stairs on the north side. Pat Del Monaco informed Ms. Stevens that the commission has to consider all applications brought before them.

Charles Pavarini who resides next door on the north side said he didn’t understand why the Commission helps to give applicants alternatives. Pat Del Monaco explained that it is the Commission’s responsibility to show feasible and prudent alternatives to applicants (not design it for them). Mr. Pavarini stated he has concerns regarding erosion on his property. He feels the Commission needs to look at the possibility of erosion on this property. Michele Holmes stated that there is no run off from the property to the neighbors. Water on the road will run onto the applicants property towards the wall. Mr. Pavarini felt that a wall by the road would channel water onto his property and feels there needs to be an engineered erosion plan for the entire property. Pat Del Monaco said that the area is not steep and is not a paved surface. Gerry Schwalbe felt there would be considerable infiltration.

Michele Holmes stated that they would withdraw and re-apply. The Commission notified Ms. Holmes that they need to see the following information when they re-apply:

- Submit an engineered, stamped drawing showing an alternative plan for the staircase (moving the staircase back)
- Design the steep area that slopes up to the parking area
- Cutting down the stump to grade to be noted on the drawings

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- Distance of the undisturbed area to the lake delineated on drawings and show planting area on the map
- Clarify existing shoreline and show it on the map for the north side of the property
- Show walls by the road showing exact location and correct driveway opening (25 ft) and show what areas will be stone and what will be wood fence.

### **Withdrawn**

Tom Quigley made a motion to close the Public Hearing and re-enter the Regular Meeting, second by Mary Aragonés, all in favor.

### **Regular Meeting**

#### **Correspondence**

- Letter from Maria Horowitz, ZEO, re: 11 Lake Drive-Community Park. **Previously discussed**
- Letter from Ronald Malmberg to Kenneth Miltenberger, re: order to backfill ditch at 160 Ball Pond Road. **Previously discussed**
- Reports & Survey from Ruspini Consulting Engineers, LLC, re: 160 Ball Pond Rd.

#### **Administrative**

- Approve August 12, 2008 Meeting Minutes. Gerry Schwalbe made a motion to approve the August 12, 2008 minutes, second by Mary Aragonés, all in favor. **Approved**
- Conservation issues for the Town of New Fairfield. Gerry Schwalbe voiced concern regarding invasive plant growth becoming more aggressive. He feels this is a problem that should be addressed. The growth of Japanese Knotweed has been getting worse. Gerry Schwalbe felt that the Northeast Conservation might be interested. The Commission discussed a possible change to the application to address invasive species and education programs regarding controlling/removing invasives.

#### **Adjournment**

Tom Quigley made a motion to adjourn the meeting at 10:00pm, second by Gerry Schwalbe, all in favor. **Adjourned**