

**Conservation/Inland Wetlands Commission
Town of New Fairfield
Regular Meeting
4 Brush Hill Road, New Fairfield, CT 06812
New Fairfield Senior Center
September 15, 2009
7:15pm**

Call to Order

Tom Quigley called the meeting of the Inland Wetlands Commission to order at 7:17pm.

Members in Attendance.

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

Violations

120 Route 39, Planting trees in regulated area, Map 19, Block 9, Lot 1, Shaver. No owner/representative present. Mr. Shaver planted 8 pine trees on town property without a permit. Public Works will remove the trees. **Continued**

New Business

Ball Pond Brook & Route 37, Pedestrian Bridge & Walkway, part of downtown streetscape, Map 19, Block 1, Town of New Fairfield, John Hodge, First Selectman. Jane Didona present representing the Town. Maps reviewed. Pedestrian bridge over Ball Pond Brook needs to be done for pedestrian safety. Hydraulic study has been done. As per Ms. Didona, the DEP does not have to review/approve, DOT does. Jane will bring in documentation to show that change. Gerry Schwalbe requested a copy of the cross section which shows 100 year flood and elevations. Bridge is in DOT right of way. Ms. Didona said that the DOT wants performance specs for the bridge, once a bid is awarded, specific drawings will be submitted. Gerry Schwalbe made a motion to accept the application for review, second by Mary Aragonés, all in favor. **Accepted & Continued**

124 Lake Drive South, detached garage, Map 25, Block 1, Lots 6 & 47, McConvey. Katherine Convey present. Proposed a detached garage. Gerry Schwalbe requested elevations be shown and how run off will be directed. Tim Simpkins requested erosion control measures be shown on the plans. Tom Quigley requested that stockpiles be shown on maps. Tom Quigley made a motion to accept the application for review, second by Gerry Schwalbe, all in favor. **Accepted & Continued**

43 Bogus Hill Road, Addition with site work, Map 7, Block 2, Lots 6 & 7, Moliterno. Charles Rippenhagen, Architect and Steven Hicks, Contractor present. Maps reviewed. Propose an addition, paved driveway and new septic system. Existing driveway will be taken out and the area will be planted. Rain gardens discussed. Erosion controls discussed. Plan to take down 2 trees in septic area. Mary made a motion to accept the application for review, second by Gerry Schwalbe, all in favor. **Accepted & Continued**

32 Eastview Road, Stonewalls to create level grass area, Map 10, Block 3, Lots 78-80, Lewis. No owner/rep present. Commission review application and needs to see the following:

*Septic on plan

*How much fill is needed for septic and what kind of fill.

*Engineer report to say whether this wall needs to be engineered-if so provide an engineered plan- or can it be dry stone.

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

Lake Drive North & Sunset Trail, Improvement of drainage, Map 15, Block 1 & 6, Candlewood Isle Association. Jamie Cheneski, Tom Russano and Rolf Sammers present. Maps reviewed. Plans for improving drainage & installing additional catch basins discussed. Mary Aragonas made a motion to accept the application for review, second by Gerry Schwalbe, all in favor. **Accepted & Continued**

Old Business

24 Sunset Drive, Building wall in the lake bottom, Map 11, Block 2, Lot 9, Horowitz. Mrs. Horowitz and Louis Brown present. Correspondence between First Light and Mrs. Horowitz reviewed. Mrs. Horowitz has a deed that conveys land to the property owners not First Light. The Commission feels they cannot make a decision on this application until clarification is made regarding ownership of the land in question. Tom Quigley said that Town Attorney Jack Keating needs to advise the Commission as to who actually owns the land. Tim Simpkins will get Jack Keating the information for him to come to a determination. **Continued**

5 & 25 Route 39, Repair septic system, Map 19, Block 15, Lots 24.1 & 24.2, charter New Fairfield I, LLC. Karen Johnson from Charter Realty and Brain Curtis, Engineer present. Original plan cannot work. Septic is currently being pumped every 2-3 days. Maps reviewed, Existing and proposed septic discussed. As per Brain Curtis, they realized that the thickness of the Aquafur is not sufficient. They then looked at shifting the leech fields to the north. Area originally planned for trench has very silty soil and not very permeable, it is not a good location to install the trench. The area to the north-about 50 feet-the aquafur was very deep and much grade. Sequence of Construction provided. Mary Aragonas made a motion to approve the application with the stipulation that the applicant provide a hydrology study, 2 copies of the map and a copy of the 21 day pathogen flow report, second by Gerry Schwalbe, all in favor.

Approved w/stipulations.

26 Windmill Road, Retaining walls, grass area, planting and landscaping, Map 10, Block 1, Lot 24, Schuerger owner/Traynor, Living Assets, agent. Elizabeth Schuerger and Dave Ciotoli present. Application has been submitted to First Light. Erosion controls discussed-silt fence along seawall. Gerry Schwalbe made a motion to approve the application with the stipulation that the silt fence along the sea wall be added to the drawings and that the design of the 8' wall be provided, it should be unilock or something similar, if not the applicant needs to come back with an engineered wall. Second by Mary Aragonas, all in favor. **Approved w/stipulations.**

15 Brook Drive, Replacing pipe and widen driveway, Map 44, Block 4, Lot 59, Elberger.

Ka-yi Ho present representing the owner. Owner is working on getting a contractor. Information reviewed. When a contractor is hired, they will have to go to Town Hall to pick up the permit and speak with Tim Simpkins regarding erosion controls. Mary Aragonese made a motion to approve the application, second by Gerry Schwalbe, all in favor. **Approved**

Correspondence

Additional information from Charter New Fairfield, I, LLC re: Septic System. **Previously discussed**

Letter from First Light Power Resources, re: Horowitz, 24 Sunset Drive. **Previously discussed.**

Letter from Louis Braun, re: Horowitz, 24 Sunset Drive. **Previously discussed**

Additional map for 26 Windmill Road, from Living Assets, agent for Schuerger. **Previously discussed.**

Letter to Attorney Neil Marcus, re: 160 Ball Pond Road, and map from Michelle Holmes, re: 160 Ball Pond Road, Miltenberger. Mr. Marcus, Michelle Holmes and Mr. & Mrs. Miltenberger present. Discussed Tim Simpkins' letter to Neil Marcus dated 8/4/09, items 1-13:

1. Complaint
2. Did not provide As Built
3. Licensed Architect-Commission needs his name
4. Niev Duffy is going to listen to tapes to see if the 18'-36' planting area on south side of beach is documented
5. Niev Duffy will also listen to tapes to find request for plantings on the north wall.
6. & 7. Applicants will take Jane Didona's plan and recommendations for area by north wall-planters. This will be added to the plans.
8. Wild Ginger has been removed from the plans
9. 18"High wood sitting bench has been removed from plans
10. Planting will be done in the Spring on a dry day and mulched as per Mr. Marcus. Work will be done in 1 day. Sequence of Construction for stairs was submitted prior to March 08' as per Mr. Marcus.
11. Drainage impacts to Mr. Pavarini's property (visual inspection) done by Mr. Ruspini- his professional opinion.
12. Erosion controls taken out once site was stabilized as per Mr. Marcus. Tim will go out to visit site to evaluate stabilization. He will decide if erosion controls are necessary.
13. Stair configuration does not reflect what was approve-this has been clarified and the Commission has ok'd it. Staircase will turn away from the water, there will be an area of planting in front of it.

Mr. Charles Pavarini who neighbors the Miltenberger's, addressed a fence being erected between the properties. He said that rocks being placed are past the survey post and he would like them pushed back off his property. He also asked that the fence going up between the properties not go past the original waterline and not to extend onto the wall. The Commission informed Mr. Pavarini that they do not have jurisdiction on these issues.

Cynthia Stevens-from the Friends of Ball Pond-commented on buffer planting at the sand beach and the buffer in back of the north wall, directing the applicants to Jane Didona's letter with regard to species of plants that are appropriate. She also noted that the planters are cracking.

Letter from Attorney Thomas W. Van Lenten, re: Dunham Pond LLC, & Woods at Dunham Pond, LLC, & the Woods at Dunham Pond, LLC. As per Tim, the permit expired over a year 1½ years ago-originally permitted in August 2003. Permit cannot be extended. Tim will send a letter to let them know that the permit cannot be extended. Pat said they will have to come in with a new application to finish the work.

Administrative

Approve July 21, 2009 Meeting Minutes- Mary Aragonés made a motion to accept the July 21, 2009 Minutes as written, second by Pat Del Monaco, all in favor. **Approved**
Conservation issues for the Town of New Fairfield- No discussion.

Adjournment

Gerry Schwalbe made a motion to adjourn, second by Mary Aragonés, all in favor. **Adjourned**
@ 10pm