

**Conservation/Inland Wetlands Commission  
Town of New Fairfield  
4 Brush Hill Road, New Fairfield, CT 06812  
Regular Meeting  
New Fairfield Senior Center  
February 17, 2009  
7:15pm  
REVISED**

**Call to Order**

Patricia Del Monaco called the meeting of the Inland Wetlands Commission to order at 7:15pm.

**Members in Attendance**

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

**Notice of Violation**

**24 Sunset Drive, Building a wall in the lake bottom, Map 11, Block 2, Lot 9, Horowitz.** No owner present. EEO Tim Simpkins said he noticed that they were building a cement and rock breaker wall without a permit. Tim contacted the owner and told him he needed to submit an application. The work is approx. ½ done. **Continued**

**New Business**

**80 Lake Drive South, Replace/enlarge a detached garage with 2<sup>nd</sup> story, new foundation, new driveway w/car parking area, retaining walls, and new terrace, Map 20, Block 2, Lots 12-14, Mead.** Anita O'Brien from AOB Studios, Greenwich, Ct present, representing the owner. The proposed plan is to demo the old garage and put in a new foundation. They are coming forward 4 feet in front and 2 feet on each side. They plan to raise the ridge of the roof and add a ½ story above the garage. The driveway is existing but will be re-graded. Well and septic locations discussed. They will be connecting a ½ bath in the upper level of the garage to existing septic system which has already been approved by the state. The Commission needs to see distance of any disturbance to the lake and erosion controls. Tom Quigley stated that he had been out to the site. Tom Quigley made a motion to accept the application for review, second by Gerry Schwalbe, all in favor. **Accepted & Continued**

**35 Bogus Hill Rd, Re-building deck/dock, Map 7, Block 2, Lot 1.4, Rhodes.**

No owner present. Application continued to next month's regular meeting.

**Continued under New Business.**

**160 Ball Pond Road, Remove stump, build wall, and staircase, Map 34, Block 9, Lot 9+11.1, Miltenberger/Michele Holmes, LLC.** Deferred to Public Hearing.

Gerry Schwalbe made a motion to suspend the Regular Meeting and enter into the Public Hearing for 160 Ball Pond Road, second by Tom Quigley, **All in favor.**

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### Public Hearing

**160 Ball Pond Road, Remove stump, build wall and staircase, Map 34, Block 9, Lot 9+11.1, Miltenberger/Michele Holmes, LLC.** Michele Holmes along with Adam Negri present representing the owner. Timeline for application reviewed. New maps provided and reviewed. New plans show leaving the stump in place, changing the staircase, more vegetation in front, minimizing the foot bridge and also shows details of the fence/stonewall at the front of the property (with a cross section of the existing slope w/grades). Pat Del Monaco said their plans still show a wall. Michele Holmes stated that her Engineer said it cannot be done without the wall. The Commission has not seen this in writing. Niev Duffy said she would like to hear the Structural Engineer say it doesn't work without the wall. Niev Duffy told Ms. Holmes that her refusal to listen to the Commission is blocking the Commission's ability to make a decision. She said the Commission needs to here from/see drawings from a Structural Engineer. Pat Del Monaco said the Commission wants to see the hillside stabilized with natural materials. She told Ms. Holmes that she has been asked for the stairs to be removed. The Commission has had issues with the stairs and wall and have not been shown the alternatives that have been asked for.

Adam Negri said there is water run-off from the street. Pat Del Monaco said that they have not been shown any technical expertise to show there is run-off from the street. Drainage from the street and parking area discussed. Niev Duffy stated that she felt Ms. Holmes erroneously suggested that the drawings were done by a structural engineer. Pat Del Monaco said that they asked for an alternative and that Ms. Holmes came back with basically the same information. Pat said that Michele continued to say that the alternative ideas could not be done but has not shown the Commission any proof. Pat told Ms. Holmes that she can grant the Commission an extension and come back with an alternative. If no extension is granted, the Public Hearing will be closed and the Commission may or may not have enough information to make a decision.

Public Comment- Jane Didona, licensed landscape architect discussed an alternative which showed a boulder wall, stepped back creating terraces, planted. She said it was hard to "take a stab at" an alternative without complete information. Ms. Didona based her elevations off of the 1996 survey done by Paul Bradigan. She discussed spot elevations that she used to come up with her alternative. She was able to eliminate the stairs. The ramp would go over the boulder slope. Ms. Didona also discussed 2 alternatives that included stairs. One alternative is to have wood stairs on the south side with a small sand area. The second alternative showed the boulder treatment (described above) with a 3 foot wide staircase constructed with 14" treads, 7" risers having a total of 11 risers (staircase would be L-shaped) on the north side. Grade in the front of the property discussed. Jane Didona said that alternatives can be done but felt that the real reason Ms. Holmes is saying they can't be done is because that client doesn't want the alternatives. Ms. Didona said she would like to see a specific planting plan and asked the Commission to have the applicant get her drawings stamped by a licensed engineer. Jane stated that there should have been a comprehensive site plan at the beginning of this project. Jane also said she would recommend the Commission asked to see as-built topography of the site.

Tom Quigley asked Ms. Holmes if they would consider Jane Didona's plan. Michele Holmes said she would approach the owner and go over it with him.

Michele Holmes granted the Commission an extension. She said she would come to next month's meeting with her Engineer. Niev Duffy stated that the Commission needs to see stamped drawings. Michele Holmes said she would provide a current as-built site plan, stamped by Paul and the Engineer will stamp the structural drawings. Gerry Schwalbe asked Ms. Holmes to add additional spot elevations on a separate drawing.

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Cynthia Stevens-area resident-stated that she was concerned with the wall along the road with regard to footings and the septic. Pat Del Monaco said that the Health Department is looking into.

Fence posts discussed. Michele Holmes said they are being put into cement, not sonotubes.

Tom Quigley asked for information to show that there can be a walkway behind the fence. Tom also questioned where the roof drainage will go. Roof drainage discussed. Reversing the grade discussed. Ms. Didona asked the Commission to consider how the run-off will affect Mr. Pavarini's property to the north. Ms. Holmes was asked to include the pitch of the driveway area on the engineer's drawing.

Tom Quigley made a motion to continue the Public Hearing to the Regular Meeting on March 17, 2009 and re-enter the Regular Meeting, second by Jennifer Licht, all in favor. **Continued**

### **Regular Meeting**

#### **Correspondence**

**Letter from Trinkaus Engineering, LLC, Re: Water Quality Impacts from Storm Water.** Gerry Schwalbe said he doesn't agree with this method. He feels it is outdated and would not recommend it.  
**Letter from State of Ct DEP, Re: Tentative determination to renew a permit from New Albertsons, Inc.** Project at Shaw's-treatment plant (pump & treat) discussed.

#### **Administrative**

**Approve January 20, 2009 Meeting Minutes.** Gerry Schwalbe made a motion to approve the 1-20-09 meeting minutes as written, second by Jennifer Licht, all in favor, **Approved.**

**Conservation issues for the Town of New Fairfield-none.**

#### **Adjournment**

Jennifer Licht made a motion to adjourn, second by Tom Quigley, all in favor, **Meeting adjourned at 8:30pm.**