

**Conservation/Inland Wetlands Commission
Town of New Fairfield
Regular Meeting Minutes
4 Brush Hill Road, New Fairfield, CT 06812
New Fairfield Company A Fire Station
February 22, 2010
7:15pm**

Call to Order

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

Members in Attendance

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

New Business

1 Haviland Hollow Rd (formerly 211 Rte 37), Dog Park, Map 8, Block 2, Lot 1, Regional YMCA Western Ct, owner, Steve Merullo for Town of New Fairfield, applicant. Steve Merullo and First Selectman John Hodge present. Maps reviewed. Tom Quigley requested proof that the application is in compliance with conservation restrictions, if any. Gerry Schwalbe made a motion to accept the application for review, second by Mary Aragonés, all in favor. **Accepted & Continued.**

1 Haviland Hollow Rd (formerly 211 Rte 37), Emergency Radio Tower, Map 8, Block 2, Lot 1, Regional YMCA Western Ct, owner, Steve Merullo for the town of New Fairfield, applicant. Steve Merullo and First Selectman John Hodge present. Maps reviewed. Tom Quigley asked that the applicant show proof that application is in compliance with any conservation restrictions. Mary Aragonés made a motion to accept the application for review, second by Gerry Schwalbe, all in favor. **Accepted & Continued.**

13 Candlewood Road, Additions, deck and redo existing retaining wall, Map 39, Block 1, Lots 40-43, Frichette. Mary Aragonés recused herself. Owner present. Survey map reviewed. Owner stated that they are not currently in compliance with regard to the septic system. They have applied to First Light and New Fairfield Health Dept. Propose to move house forward 4 feet and install a new septic system. There will be no driveway on the property. There will be stairs set in crushed stone. House is coming down as per applicant. Owner notified that he need to show the following information on the map:

- Contours
- Stairs
- Septic
- Distance of disturbance to lake
- Sediment/erosion controls and stock piles
- Access road/ramp (to be used during construction)
- Sequence of Construction (to include demo, excavation, erosion controls & construction)
- Construction fencing

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

6 Spinning Wheel Lane, SFD, Map 19, Block 4, Lot 31, Jusufi, owner/Gallagher, agent. Ralph Gallagher present. Tom Quigley, Tim Simpkins and Ralph Gallagher walked the site. The septic system has been installed. Drainage system discussed, as per Mr. Gallagher, the drainage will first go to catch basins then to a detention basin, from there it will go to storm water galleries then to the stream. Maps reviewed. The Commission needs to see all distances of disturbance to the stream. Tom Quigley made a motion to accept the application for review, second by Niev Duffy, all in favor. **Accepted & Continued**

Old Business

132 Gillotti Road, To place fill material within 50 foot radius of Well II & TB/BD-2, Map 31, Block 9, Lot 1, Aquarion Water Co., owner/Michael Shortell, agent. No owner/rep present. Application will be withdrawn as per Tim Simpkins. They have not gotten permission from the state to do the drilling. **Continued**

52A Route 39, Improve driveway & storm water detention, soccer field w/bleacher, recreational building with parking & septic, Map 24, Block 15, Lot 39, J. Kawulicz, owner, 52A Route 39 LLC, Steve Merullo, applicant. Deferred to Public Hearing.

8 Sylvan Road, Transfer & modification of existing permit for SFD, Map 25, Block 2, Lot 9, Fagan, owner, Gallagher, agent. Ralph Gallagher present. New maps provided-site plan and close up map of dock area. Driveway, house, pool location and upper cart path previously approved. Applicant has a letter of intent from Mr. Wood of First Light. This path will be 4-5 feet wide when complete. Disturbance to create path is just rock –no erosion-as per Ralph Gallagher. Amount of disturbance to create path discussed. Disturbance would be approximately 10'-25' wide during path construction. Gazebo area discussed. Level yard area will be 18' x 25' this will be wood chip or crushed stone. Commission members to visit site. **Continued**

4 Harbour View Drive, Clear cutting. Cutting down trees, Map 2, block 4, Lot 34, Falk. Peter Young present. Permit fee and fine paid as per Mr. Young. Modified plan provided. Peter Young went to site with Brain Wood of First Light. Mr. Wood suggested DEP native shrub planting list. 25% view corridor permitted in deed. As indicated on the drawings, they propose to take down 4 more trees and plant area with native plantings (low growing shrubs) from the DEP's list. Patio & stairs are existing. Tim Simpkins recommended that the Commission require a specific planting plan. Tim wants a planting plan before a permit is issued. Stumps will be ground. Applicant will come back with a planting plan next month. Niev Duffy prefers trees to shrubs. She feels that it's bad to allow them to come after clear cutting without remediation and would like to see some trees planted. Gerry Schwalbe said that a deed that allowed to clear cut does not circumvent the regulations. Peter Young said that the owner thought they had the right (it is in the deed to have a view corridor) to cut the trees and didn't realize they needed a permit. Pat Del Monaco said the applicant has a deeded right to have a view corridor and clarified that the area had not been clear cut. Larry Marsicano from CLA was present and voiced concern regarding mitigation after the fact. He submitted a letter that has recommendations and methods to assure viability of plantings. Mr. Marsicano said the CLA does advising to Commissions and would like to review the planting plan once the Commission receives it. Mr. Marsicano supplied photos before and after the tree removal. Summer pictures were taken in 2006 before the tree removal. The winter pictures were taken in 2010 after tree removal. Applicant will take the CLA's recommendations into consideration as per Mr. Young. **Continued**

66 Woodcreek Road, SFD, Map 20, Block 12, Lots 5 & 6, MacEackern, owner/Young, agent. Peter Young present. Maps reviewed. Brian Wood will not issue a dock permit as per Mr. Young. Including a picnic area. Mr. Woods requested picnic area to allow for the recreational use of all parties that have rights to use it. Drainage discussed. Removing lawn and putting ground cover as shown on map. Planting plan reviewed on maps and discussed. Tree sizes discussed. Gerry Schwalbe said tree sizes should be agreed upon. Applicant still needs to submit a sequence of construction. Gerry Schwalbe said the Commission should stipulate that the info regarding stabilization of the site should be included in the sequence of construction. Pat Del Monaco voiced concern regarding the stabilization of the site during construction. Erosion controls discussed. Tom Quigley asked Mr. Young to verify the size of an existing pipe. Public Comment-Richard Johnson, resides @ 81 Woodcreek Road, said that plantings on the property have been planted correctly but have not been shown correctly on the map. Area in question is on First Lights property. Peter Young will look into this to clarify. **Continued**

Ball Pond Brook & Route 37, Revision to Pedestrian Bridge & walkway, part of downtown streetscape, Map 19, Block 1, Town of New Fairfield, John Hodge, First Selectman. No representative present. Original maps reviewed as well as DOT modification request which would result in less of a disturbance in the regulated area. Tom Quigley made a motion to approve the modification of the permit for the Ball Pond Brook & Rte 37 pedestrian bridge to move the abutments from 50' to 60', second by Gerry Schwalbe, all in favor.

Modification of permit approved

Bill McCann of N.F. Land Trust came to the Commission with Mr. Larry Penna who is having flooding on his property due to a beaver dam. The beaver dam is located near the Ball Pond and Shortwood Brook convergence. The dam is approximately 3 ½ feet high and about 30-40 feet wide. They discussed piping the beaver dam with a water level control device. DEP's policy is not to relocate the beavers as per Mr. McCann. The Commission agreed that Mr. Penna should try the water level control device; they also felt Mr. Penna did not need to come before the Commission to go forward with this. Pat Del Monaco said the Commission has no jurisdiction over wildlife issues.

Mary Aragonese made a motion to suspend the regular meeting and enter into the Public Hearing for 52A Route 39, second by Jennifer Licht, all in favor.

Public Hearing

52A Route 39, Improve driveway & storm water detention, soccer field w/bleachers, recreational building with parking & septic, Map 24, Block 15, Lot 39, J. Kawulicz, owner, 52A Route 39 LLC, Steve Merullo, applicant. Attorney Ray Lubus present along with Ralph Gallagher and Steve Merullo.

Pat Del Monaco reminded everyone that the proposed Zoning Regulations are the responsibility of the Zoning Commission. It is not this Commission's responsibility to interpret or enforce the Zoning Regulations.

Drainage discussed in detail. The sports field is pervious with pipes around the perimeter of the field for drainage and flat drains in the field. Mary Aragonese asked if the detention basins have to have maintenance.

They should be inspected annually per Mr. Gallagher. It was suggested that a stipulation be made to have a maintenance plan for the detention basins. Drainage/flood way/flood plain discussed with regard to a 100 year flood event. There will be 400 cubic yards of soil being removed.

Sequence of Construction reviewed and discussed at length. They will be working their way down the hill, stabilizing as they go.

Hugh Belecki, adjacent property owner, questioned the left side steep cut and also asked about pervious asphalt for the driveway which was previously discussed. The applicant is using perforated galleries which will be releasing water into the surrounding soils. The detention basins will get the overflow if there is any.

100 year storm events discussed with regard to drainage from the property. Niev Duffy stated concern with what she felt would be a detrimental impact to the wetlands during a 100 year flood. She was referred to the drainage calculations. Pat Del Monaco clarified what issues were zoning issues. Ralph Gallagher said there is no increase peak rate of runoff. As per Ralph Gallagher, if they have 18 cubic feet per second coming off the site, they are storing enough so that no more than 9 cubic feet will come off the property.

Hugh Belecki referred to the 1989 topography map, discussing the bridge. Pat Del Monaco clarified that the bridge is existing and is not part of the present application. The Wetlands Commission as to review this application for its potential effects to the wetlands.

Mr. Moore adjacent property owner questioned the right side (west) and asked if the elevation will increase. As per Ralph Gallagher the right side elevation will not be raised.

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

Regular Meeting

52A Route 39-

Pat Del Monaco said the application can be discussed under Old Business and voted on tonight or a workshop can be scheduled. Niev Duffy strongly feels the Commission needs to workshop this application. She feels she needs to review the information received today and said she could not vote on this application until issues are clarified. Tom Quigley, Gerry Schwalbe, Jennifer Licht and Pat Del Monaco did not feel the need to workshop the application. Niev Duffy made mention of Zoning Regulations. Pat Del Monaco re-clarified that it is not this Commissions responsibility to interpret and enforce the Zoning Regulations. Niev Duffy would like to review new maps submitted tonight and look at this Commissions regulations. She would also like the opportunity to put her concerns in writing. Tom Quigley is prepared to vote tonight. Jennifer Licht said she felt she has the information she needs to vote tonight. Mary Aragonés stated that due to Niev's concerns the Commission should wait and workshop at the next meeting. Gerry Schwalbe felt ready to vote but thought they should wait so that Niev could review the information.

Workshop scheduled during next month's regular meeting.

Correspondence

Letter from the Pool Doctor, re: Ball Pond Brook-**previously discussed**

Letter from Robert H. Elsworth, re: 52A Route 39-**previously discussed**

Letter from CLA, re: 4 Harbour View Drive-**previously discussed**

Letter from Aquatic Control Technology, Inc, re: permit application for Nixon Pond-**no discussion**

Administrative

Approve January 19, 2010 Meeting Minutes-Tom Quigley made a motion to approve the minutes as amended, second by Jennifer Licht, 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 @ 9:35pm**