

DATE APPROVED:

CONSERVATION COMMISSION MINUTES FOR NOVEMBER 19, 2020 PAGE #20-29

MEMBERS PRESENT:

Chairman, Ted von Rosenvinge, Vice-Chairman, Sarah Schlechter, Ed Schwarz, Jim Smith, Bob Turner, Mike Reiner, Holly Charlesworth

Also present: Tracy Kulikowski, Land Use Director

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Mr. von Rosenvinge opened the virtual meeting at 7:30 p.m.

DISCUSSION/DECISION: REQUEST FOR 17 DAY EXTENSION TO TAKE ACTION ON THE APPLICATION PURSUANT TO THE GOVERNOR'S EXECUTIVE ORDER NO 7I(19a) DANIEL ROSENBERG & CHERYL SOKOLOW, 4 TIFFANY LANE, REAR DECK

Mr. Rosenberg explained that they need an extension as the surveyor is unable to get out to the property until January.

MOTION FOR APPROVAL

Ms. Schlechter made a motion to approve the 17 day extension to take action on the application and Mr. Smith seconded. All in favor, the motion carried (7-0).

DISCUSSION/DECISION: FRANK & SUSAN VOLLRATH (OWNERS) FRED D'AMICO (AGENT) 11 TIFFANY LANE, 2 LOT SUBDIVISION/RE-SUBDIVISION

Ms. Kulikowski explained that the property is suitable for 2 lots, but they would need to submit an actual permit and any approval for lot split would have to come back before the Commission with a complete plan that shows exactly the design of the septic system and site specific plans. *However, if the Commissioners believed there was no possibility for the applicant's plans to comply with its current rules and regulations, they should deny the application.* Mr. D'Amico explained that this plan has a different lot configuration than what was approved in 2009. Mr. Vollrath noted that it is the same lot, but they reconfigured the split slightly because of where they had to locate the septic to make sure the second lot still had frontage. Discussion ensued. *Commissioners expressed concern about the extent of the wetlands and the ability to protect them during and after construction. The Commissioners also questioned the possibility that applicant's development plan could ever comply with its current rules and regulations. Applicant's plan to construct support structures for its driveway directly into an active intermittent stream; the site's unique topography of impervious rock formations with unsuitable soil to filter out pollutants and contaminants before they reached the nearby waterways and wetlands; the impossibility of an adequate buffer zone between the proposed building and the steep drop off leading directly into the nearby waterways and wetlands; and the isolation and narrowness of the site were all concerns of the Commissioners.*

Mr. von Rosenvinge explained that, *if approved, Commissioners would not be approving a specific project, just the potential development of the site to demonstrate that it may be feasible.*

Mr. Reiner commented that they carved out an island in the middle of wetlands and it just doesn't seem feasible. Discussion continued.

#### MOTION FOR APPROVAL

Mr. von Rosenvinge made a motion to approve the two lot subdivision as shown on plans prepared by D'Amico & Associates, dated 12/16/19 and revised 11/7/20, subject to Standard Conditions A-G. (noting concerns that the site is extensively covered by wetlands surrounding the building site, very serious concerns about the feasibility of construction of a driveway and dwelling onsite without impacting the wetlands, and when it comes back for site specific whether it would be approved or described in a way that could be approved). Condition H. The applicant is required to come back for site specific approval, I. The Conservation Commission's conditions and the conservation area are to be on a mylar filed on the Town Clerk's records. Mr. Schwarz seconded the motion. The motion was voted on (0-7) and failed to carry.

#### DISCUSSION/DECISION: SCOTT & DEBORAH MORVILLO (OWNERS) ENRICO FEOLA OF FAIRFIELD COUNTY POOL & PATIO (AGENT) 38 KELLOGG HILL ROAD, IN-GROUND POOL AND PATIO

Rick Feola, from Fairfield County Pool & Patio, agent for owners, stated that the new plan shows the removal of the patio on the south side of the pool and moved a section off the shallow end of the pool on the west side. Chris D'Angelis from Cabezas & DeAngelis explained that they took out some of the patio and greatly reduced proximity of disturbed area to the wetlands. The patio was approx. 17 feet and pool is about 25 feet from the edge of the wetlands. There will be no water leaving the site and they are ensuring as minimal impact as can be made given the proximity of building and narrow back yard before you get to the wetlands area. Holly asked why Berm was removed and Mr. DeAngelis noted proximity of grading toward the upland review area. The proposed berm was to keep water from flowing off the patio and act as a block to capture the water. The disadvantage is that there is more disturbance in the upland review area. Discussion ensued.

#### MOTION FOR APPROVAL

Mr. von Rosenvinge made a motion for to approve the application for an in-ground pool and patio as shown on plans prepared by Brautigam Land Surveyors dated 9/15/20 and Drainage Report by Cabezas & DeAngelis dated 11/12/20, subject to Standard Conditions A-G, and H. Alternate devises are to be implemented if they cannot get standard hay bales. Mr. Schwarz seconded the motion. All in favor, the motion carried (7-0).

#### DISCUSSION/DECISION: TIFFANY DONOVAN & ANTHONY GREEN (OWNERS), HUELSTER DESIGN STUDIO LLC AND KOUSIDIS ENGINEERING LLC (AGENTS) 71 GODFREY ROAD, ADDITIONS TO EXISTING HOUSE, NEW COVERED PORCH, DETACHED GARAGE, NEW DRIVEWAY AND NEW POOL WITH ATTACHED PATIO WITH ASSOCIATED SITE IMPROVEMENTS

Jim Kousidis, Engineer, presented the plan and showed the flood plain and wetland areas. He explained that most of the work is outside of wetlands but still in the 100 foot regulated area. The proposed garage would be 53 feet from the wetlands line. He indicated the location of the proposed additions and open patio. He further explained that they will have drainage in place to

offset a pool and patio, which are not being proposed now. Mr. Kousidis stated that there will be no disturbance in the wetlands. Discussion ensued.

#### MOTION FOR APPROVAL

Ms. Schlechter made a motion to approve the application for additions, covered porch, detached garage, new driveway and pool with attached patio shown on plans prepared by Ryan & Faulds dated 6/23/20 and on a Site Development Plan prepared by Kousidis Engineering, revised 11/12/20, subject to Standard Conditions A-G. Mr. von Rosenvinge seconded. All in favor, the motion carried (7-0).

#### APPROVAL OF MINUTES

Mr. Smith made a motion to approve the 9/24/20 and 10/22/20 Minutes and Ms. Charlesworth seconded. All in favor, the motion carried (7-0).

#### MOTION TO ADJOURN

Mr. Schwarz made a motion to adjourn and Mr. von Rosenvinge seconded. All in favor, the meeting adjourned at 9:53 p.m.

Respectfully submitted,

Delana Lustberg  
Recording Secretary