

**ZONING COMMISSION TOWN OF NEW FAIRFIELD**  
4 BRUSH HILL ROAD NEW FAIRFIELD, CT 06812  
PHONE: 203-312-5646

MINUTES

**Regular Meeting**  
Thursday, September 1, 2011

New Fairfield Town Hall Annex Conference Room  
7:30 p.m.

PRESENT: John Moran, Chairman, Joe Letizia, Kevin Van Vlack, John Brown, Patrick Hearty, Maria Horowitz, Zoning Enforcement Officer.

1. Call to Order

Meeting called to order by Chairman John Moran.

2. Public Comment

None

3. **Discussion Only:** Proposed Zone Change from R-44, Residential One Acre District to Business Commercial District. 50 RT 39, Caperton Co. LLC/Hugh Bilecky, owner, Atty. Daniel Cassagrande, agent.

Mr. VanVlack expressed concern about the property owners adjacent to the current R-44 zone change to Business Commercial. The Commission discussed.

Attorney Cassagrande stated they drafted the proposal to say if you are going to change the zone it's limited to properties that have had these consistent uses for at least 40 years.

Mr. Moran stated the Commission needed to consult their Attorney. Atty Smith will draft the language, and the commission can have a special meeting in September to discuss this matter. The Commission will report on what they discussed, and how they feel about the issue.

4. **Discussion Only:** 6 Long Hill Rd. – Is this a pond or a pool? Mr. Nguyen would like to construct a 10' x 20' x 4' +/- deep structure in his front yard. Duc Nguyen, owner

Mr. Nguyen approached the Commission. The Zoning Enforcement asked for clarification on a structure in Mr. Nguyen's front yard.

Mr. Nguyen stated the structure was a pond for coi. The ZEO distributed pictures. She was concerned it was a pool. Mr. Letizia said 4' deep requires a fence if it is a pool. He felt he would have to state it would not be used for swimming, have plants and fish. Mr. Moran stated it should be called a fish pond.

Mr. Hearty felt this would pose as much of a danger as a pool at 4 feet deep, and maybe deeper because of the winter frost line. He had to abide by the town regulations for a pool, why should the commission not now.

Mr. VanVlack read the regulation. It says a structure containing a horizontal measurement of 100 sq. ft. containing water to 4' deep or more. Mr. Moran stated then he would have to keep it under the 100 sq. ft. and it wouldn't be a problem.

Mr. Nguyen stated that would be 10 x 10. The purpose for the dimensions is for the fish development. 10 x 10 is not big enough. He proposed putting a fence around it because of the nature in the area.

Mr. VanVlack suggested 2 pools with a connector. Mr. Nguyen stated the filtration and the circulation needed would be too great.

The ZEO asked about the vegetation.

Mr. Hanrahan expressed concern, about the large structure, with a fence around it 4 feet tall, in the front yard. He asked if there was any other place on the property for this pond. Mr. Nguyen stated there was only one other spot on the side of the house, but it was not large enough for the dimensions.

Mr. Brown asked what the purpose of the pond was. Mr. Nguyen stated he grows the fish for competition.

The ZEO asked if it would work if the Commission stipulated there was vegetation in the pond.

Mr. VanVlack expressed concern about the depth.

Mr. Hanrahan still had a problem with putting fencing in the front yard. Mr. VanVlack asked if there was any buffering. Mr. Nguyen pointed out the tree lines. He stated the pond would not even be visible from the road because of the slope of his property.

The ZEO asked where Mr. Nguyen would put the fence; he stated around the pond and grow vines on it.

The ZEO asked what kind of fence he would put up. He stated picket fence with vines to match what he has on the property.

Mr. Moran asked for a consensus. Mr. Letizia the vegetation and the fencing should be mentioned in the record.

The ZEO stated she would have him take out a regular building/zoning permit and have all departments sign off on it. On the permit it would be called a coi pond with the conditions that it has to be fenced 4 feet high with vegetation on fence, the pond cannot be higher than 8 inches above grade, vegetation shall be grown in the pond, cannot be used for swimming, and pond shall be aerated.

5. **P-11-02 – Petition for Zone Change** – 48 Route 39 and 52A Route 39. The Petition for Zone Change is to change the Zoning District for these two properties from the current R-44, One Acre District to become part of the Three Acre, LI/Light Industrial District. Camillo Santomero, owner. Peter Young, agent.

Mr. Young asked if he were not to submit this application, and the Zoning Commission were to go forward with this on its own, would it be in a timely fashion. Mr. Moran stated by the end of the month the Commission would know which way it wanted to go. Mr. Young felt that may push him back 2 months.

Mr. Young reviewed the map for the Commission. Mr. Young stated out of 14 acres probably 6 are developable.

Special meeting set for September 15, 2011 in the Town hall Annex conference room, 7:30 p.m.

6. **Discussion Only:** Proposed Regulation Revisions by the Commission.

Mr. Moran researched definition of country club from several towns.

Mr. Hanrahan discussed the sign regulation, he will work on writing it up.

Mr. Letizia asked is there a restriction on the total amount of temporary signs in town. The Commission discussed.

Mr. Moran suggested we finalize the changes on September 15<sup>th</sup>.

Meeting adjourned.

Respectfully submitted

Lyn Sheaffer

Zoning Commission Secretary