

Conservation/Inland Wetland Commission
Town of New Fairfield
4 Brush Hill Road, New Fairfield, CT 06812
Tel: (203) 312-5640 Fax: (203) 312-5608

Meeting Minutes
Tuesday September 19, 2023
7:15 PM
Zoom Meeting

Call to Order

Tom Quigley called the regular meeting of the Conservation/Inland Wetland Commission to order at 7:15pm.

Members in Attendance

Tom Quigley, Chris McCartney, Joan Archer, Carolyn Rowan, Margaret DiTullio, Ernie Dech, Frank Yulo (alt) and EEO Tim Simpkins. Lisa Zustovich took the meeting minutes.

Appointments

Tom Quigley appointed Frank Yulo as a voting alternate.

Violations

38 Woodcreek Rd, map 24, block 21, lot 2.5 grading and filling near a wetland & watercourse, Robert & Leila Lomangino, owners. Brian Lomangino present. He completed a pre-application, survey is done, waiting on one more measurement per Brian. He spoke with Tim Simpkins and will be going into Town Hall to fill out an application this week. **Continued**

55 Rocky Hill Rd, map 10, block 18, lot 20, grading and filling near a brook, Matthew Foglia & Milena Newmark, owners. No owner present. Tim Simpkins said he reached out to the owner and sent a letter but has not heard back from him. There has not been any progress from the owner in resolving this matter. Jim McManus, Soil Scientist was present and stated that the owner reached out to him today for his services but Mr. McManus said he had no information regarding what had been done or the issues involved. He said he saw the agenda for the meeting and that the applicant was on the agenda so decided to attend the meeting to get more information. Tom Quigley made a motion to fine the owner \$100 per day from this date forward under regulation 14.6 until the offense is corrected, 2nd by Ernie Dech, all in favor. **Continued to Legal Counsel**

New Business

53 Bogus Hill Road, map 11, block 2, lot 20, demo of existing 2nd floor and roof, construction of new 2nd and 3rd floor and new garage and walkway to the house, owner, Kant/applicant May. No owner/rep present. Erosion control w/silt fencing shown. The Commission needs to see the following on the A2 Survey for the next meeting: septic location, well location, stock pile, liter drains, distance to the lake.

Ernie Dech made a motion to accept the application for review, 2nd by Carolyn Rowan, all in favor.

Accepted & Continued

100 Lake Drive South, map 20, block 7, lot 1 +2, demolition of failing CMU foundation, replacement with a poured in-place concrete foundation, owner, Douglas Carlson/applicant, Peter T. Coffin. Alex Bellina present for the owners. Discussed plans to replace the foundation of the tree house structure. Work to be done is approx. 20-30' from the lake. Maps reviewed & discussed. Erosion controls- silt fencing & hay bales.

The Commission asked to show the well & septic locations as well as give the exact distance of disturbance to the lake. Ernie Dech made a motion to accept the application for review, 2nd by Carolyn Rowan, all in favor.
Accepted & Continued

21 Deer Run, map 15, block 1, lot 116, construction of lift with upper/lower landings, wood frame shed for lift machinery, upper retaining wall, pervious parking area, wood frame storage shed, pervious pathway, natural stone stair treads and catwalk/dock, Paul Perchal/Thomas Bianco, applicant, Lisa Bianco Trustee, owner. Dainius Virbickus present, representing the applicant. Property is steep. Plan on a parking area at the top of the property by the road and build a 5'x5' trolley with tracks down to a patio at the lake's edge. Tom Quigley asked about clearing- how will this be done? He also asked about the upper retaining wall, mentioning that it is 12'h at some points and that the Commission needs more information on the wall. The Commission also needs more information on the trolley anchors-description, how many, how will these be done. The Commission asked for an enhanced sequence of construction. Erosion controls discussed, per Mr. Virbickus they only have it in the areas of the landing and the top of the property and the patio below. He said the majority of the work will be done by hand, working from the top down-he will get more information. Tree removal discussed, Commission wants to know how they will be removed, Mr. Virbickus will get more information on this but said they will mark the trees to be removed for the Commission to see. They will also mark the location of where the trolley will be installed. Carolyn Rowan asked how are they creating footings for the trolley, how many trees will be removed and do they have a remediation planting plan for what they are removing/cutting down? Mr. Virbickus said they plan to plan low growing plants and that underneath what is there now is stony ground. Cut & fill numbers discussed- 120 cubic yards at the top (parking), 40-50 cubic yards at the bottom (patio), he will get more accurate numbers for the Commission. The Commission asked if he could separate the maps into two separate maps, one for the top of the property and one for the bottom. Chris McCartney made a motion to accept the application for review, 2nd by Carolyn Rowan, all in favor.
Accepted & Continued

2 Westview Trails, map 27, block 5, lot 13+14, construct a single-family dwelling, driveway, well and septic, owner, Andrew & Kathleen Teklits/applicant, Ross Alan. Ralph Gallagher present for the applicant and stated that this was previously approved in 2004 but the permit expired. They plan to pull the house further from the wetlands than what was previously approved. Septic area will be smaller than previous application. Property is relatively flat. Litter drains shown. Silt fence shown. Project is 65 feet from the wetlands. Discussed curtain drain to protect septic. Ernie Dech made a motion to accept the application for review, 2nd by Chris McCartney, all in favor. **Accepted & Continued**

49 Ball Pond Rd E, map 22, block 5, lot 2.71, maintain annual cutting of brush, weeds, branches and mowing in the right of way for access to the waters of Ball Pond, Christopher Lentz, applicant. Attorneys for both the applicant and property owner present. Tom Quigley discussed Town Attorney Neil Marcus' comments of his review on this issue. Mr. Marcus encouraged the Commission to do a site walk to determine if any work needs to be done. Mr. Marcus also said an alternate & feasible alternative should be looked into, discussed the possibility of there being two easements and that this should be straightened out. Mr. Marcus also mention the 1951 granted easement and stated that the Commission should look into this to determine what is in this easement and what if anything was granted in it regarding how the easement should be maintained. Per Mr. Quigley, Mr. Marcus stated it is the Commission's decision if there is a prudent and viable alternative to the whole application and that he didn't find anything in the Wetlands regs preventing the Commission from accepting the application a second time. Tom Quigley stated he felt the Commission should accept the application to see what work needs to be done and if there are any prudent alternatives. Mr. McAndrew, attorney for the property owners stated that he felt an appeal was necessary. He requested that if the Commission accepts the application that they hold off until next month so that they have time to submit documentation on what work will be performed or suggested to be performed. Mr. Lubus, attorney for the applicant stated that they have deeded rights to use the easement and a duty to maintain it. The easement is

currently overgrown, he only wants to have access. Mr. Lubus is asking the Commission to accept to see the merits of the application and feels the Commission should go take a look at the site. Tom Quigley asked Mr. Lubus to submit his points/comments in writing to the Commission. It was noted the accessway is 25'x85'. The Commission asked Mr. Lubus to have his client provide a map showing proposed work to be done, how much of the accessway they planned to clear/clean to have access to the pond and to show the location of the accessway on the map. Discussed tabling application until next month and Commission members going to visit the site. **Tabled until next month**

Old Business

1 Hoover Place, map 27, block 3, lot 108, construct a common driveway to the acreage west of the inland wetlands, Nejame Development LLC/owner. Ralph Gallagher present, representing the applicant. A letter was received from the Town Engineer Tony Iadarola with his recommendations. Mr. Gallagher said he also spoke with the Town Engineer and stated he wants details on a bottomless culvert and drainage calculations. Ralph said he is also supposed to meet with Tony prior to next month's meeting to go over everything.

Continued

Correspondence

None

Administrative

Approve Meeting August 15, 2023. Margaret DiTullio made a motion to approve the 8-15-23 meeting minutes as written, 2nd by Carolyn Rowan, all in favor except Joan Archer who abstain. **Approved**

Conservation issues for the Town of New Fairfield. No discussion

Adjournment Frank Yulo made a motion to adjourn the meeting, 2nd by Carolyn Rowan, all in favor, meeting **Adjourned @ 8:30pm.**

Received by email on 09/25/2023 @ 8:30 a.m.
by Chrystie M. Bontempo, Asst. Town Clerk, New Fairfield