

*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 January 16, 2024 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, Keith Landa, 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**

None

**New Business**

**5 Fairview Drive, map 13, block 2, lot 1.24, construction of in-ground swimming pool, Doug & Susan Hooper/owners, Total Pool & Patio/applicant.** No owners present. Proposed inground pool would be within approx. 40 feet of the wetlands and after grading they would be within approx. 20 feet from the wetlands. Chris McCartney made a motion to accept the application for review, 2<sup>nd</sup> by Keith Landa, all in favor except Margaret DiTullio who abstained. **Accepted & Continued**

**Old Business**

**314 Route 39, map 2, block 5, lot 13&14, replace a recently demolished single-family dwelling with proposed 3-bedroom single family dwelling with associated grading and relocating the well, Asime Alimi, owner.** Nick Yuschak present, representing the owners. Tom Quigley and Tim Simpkins visited the site after a storm. Tom said even with the erosion controls in place there was still a lot of erosion on the north side with flooding on the road and drainage/erosion on the south side as well. Discussed needing to see a drainage plan and the possible need to put in a swale. **Continued**

**1 Lost Acre Trail, map 5, block 1, lot 12, partially fill in pond on property but keep the flow of the stream, Eileen Tannenbaum, owner.** No owner present. Tom Quigley & Tim Simpkins visited site and met with the owner. Ernie Dech also visited the site. Tim suggested having the contractor come to the next meeting to see what the plan is to get this project done. **Continued**

**13 Candlewood Road, map 39, block 1, lot 40-43, Extend driveway parking by 6' with new poured concrete wall, Connor Roscoe, owner.** Owner present. Tom Quigley and Ernie Dech both stated they have visited the site. The Commission has no issues with this application. Margaret DiTullio made a motion to approve the application, 2<sup>nd</sup> by Ernie Dech, all in favor. **Approved**

**77 Candle Hill Road, map 6, block 4, lot 41&42, construct a 4-bedroom single family dwelling, septic, well, driveway including crossing wetlands and a stream, Andres Vele, owner.** Mike Mazzucco present, representing the applicant. Town Engineer Tony Iadarola asked for some revisions which were made per Mr. Mazzucco. Updated maps reviewed and discussed showing the revisions that were asked for. Driveway, grading as well as the location of the house & septic were discussed. Storm water management system shown on maps. Septic is in the back of property. Keith Landa made a motion to approve the application, 2<sup>nd</sup> by Joan Archer, all in favor. **Approved**

**49 Ball Pond Road East, map 22, block 5, lot 27.1, seeking permission to seasonally prune branches, weeds, pickers, poison ivy, all vegetation growth, within the 25-foot wide right to pass and repass to the waters of Ball Pond Road, including mowing the existing grass. This is for the purposes of pedestrian accessway through the 25-foot in width right of way, which would allow pedestrians to swim, fish canoe or paddleboard in the waters of Ball Pond. There are no structures sought to be built or improvements to be made to the existing area, Christopher Lentz, applicant.** Applicant's attorney Mr. Lubus present. Also present is Mr. McAndrew, attorney for the property owner. Tom Quigley stated that the Town has a new attorney and he sent all the information regarding this application to him. The new Town Attorney needs time to review all the information so the application will need to be continued until next month.

Mr. Lubus stated that his client has a deeded right to use the property as do 4 other property owners that he is aware of. Mr. Lenz would like to be able to maintain the easement -as he has done in the past - to be able to access Ball Pond. The easement is 25 feet wide x 85 feet long. Mr. Lenz would like to mow the first 60 feet in length x 25 feet wide. The remaining 25 feet towards the pond, he would cut the brush to clear a 10-foot-wide path. Mr. Lubus noted that the Lisi's had obtained a Wetlands permit in the past to put up the gazebo and retaining wall but it never included installing the split rail fences. The easement now has a fence and gate on it as well as a sign barring anyone from travelling down to the pond. Mr. Lubus also stated that the previous Town Attorney Mr. Marcus had previously represented the Lisi's when they put up the fence and sign, which he states is a conflict of interest.

Mr. McAndrew, attorney for the Lisi's reiterated that the applicant has not met the requirement under 10.2 and that there are prudent alternatives. He also stated that according to the expert's report they submitted, what the applicant plans to do will be damaging to the wetlands. They continue to disagree that the applicant can obtain this permit without the Lisi's approval.

Keith Landa asked Mr. Lubus why not just make the whole easement a 10-foot path. Mr. Lubus said that the applicant wanted to do what has always previously been there/been done. If the Commission feels the entire path should only be 10 feet in width, they would do what the Commission felt was appropriate to access the pond via the easement.

Public Comment:

Dr. Stuart Orsher & Gladys George- stated they are deeded easement holders and that the Lisi's put up a fence and sign not allowing them to use it. He feels they are taking away his property rights.

Steve Savino- stated he is a deeded easement holder and has used the easement over the years. He wants his family to be able to continue to use the easement to access the pond.

Rob & Pam Carlucci- stated they are also deeded easement holders and would like to be able to use the easement and are in favor of this application.

Elissa Johnson- stated she is also a deeded easement holder but is against the application. She is against it due to the concern for migratory bird protection and wetlands protection. She stated that the wetlands serve a purpose to control flooding, recharge the ground water and filter water going into the pond. She also discussed native plants. She stated that she has been advising the Lisi's on their property.

Maureen-was a long-time resident of Ball Pond Rd East. She stated she is for the application and questioned if the Lisi's are so concerned about the wetlands then why did they do the work they did and put sand in?

**Continued**

**55 Rocky Hill Rd, map 10, block 18, lot 20, grading and filling near a brook, Matthew Foglia & Milena Newmark, owners.** Milena Newmark present. The Commission received the Soil Scientist report and agree with it. Move back approx. 5 feet and uncover the soils to where the existing wetlands were and regrade it to a gentle slope. Tom Quigley also stated that the EEO should oversee the project. Ernie Dech recommended the applicant add native plants/shrubs along the stream. Chris McCartney made a motion to approve the application with the stipulation that the area is regraded, populated with native shrubs and a planting plan be submitted to the Commission, 2<sup>nd</sup> by Margaret DiTullio, all in favor. **Approved w/stipulations**

**38 Woodcreek Rd, map 24, block 21, lot 2.5 relocate or remove above ground rocks, Robert & Leila Lomangino, owners.** Brian Lomangino present. Tom Quigley & Tim Simpkins had met with Brian and discussed where the line of disturbance should be- where soil and rocks should be moved back to. Tom Quigley made a motion to approve the application with the stipulation that the line of disturbance be placed on the map that was submitted, 2<sup>nd</sup> by Keith Landa, all in favor. **Approved w/stipulations**

**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 Virbickas present representing the owners. Tom Quigley & Tim Simpkins met at the site with Mr. Virbickas and the owners. Mr. Quigley summarized that the wall height has been lowered, parking area made smaller, trees will be cut and left on property and tram moved to the north 10 feet. The Commission had no further comments/issues regarding this application. Keith made a motion to approve the application with the stipulations that the construction be done in 5 phases and the EEO approve each phase as it goes along. The 5 phases are to be:

1. Parking area and wall
2. Staging area
3. Removal of trees
4. Construction of tram
5. Lower patio

Second by Chris McCartney, all in favor. **Approved w/stipulations**

### **Correspondence**

None

### **Administrative**

**Approve Meeting December 19, 2023** – Chris McCartney made a motion to approve the 12-19-23 meeting minutes as written, 2<sup>nd</sup> by Keith Landa, all in favor. **Approved**

**Conservation issues for the Town of New Fairfield.** No discussion

**Adjournment** Ernie Dech made a motion to adjourn the meeting, 2<sup>nd</sup> by Keith Landa, all in favor. **Meeting adjourned at 8:40pm.**