

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 March 19, 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, Carolyn Rowan, and EEO Tim Simpkins. Lisa Zustovich took the meeting minutes.

Appointments

None

Violations

None

New Business

34 Old Farm Road, map 23, block 8, lot 5, removal of debris from creek in backyard, Alfred & Inge Schultz/owners. No owner or representative present. Tim Simpkins and Ernie Dech visited the site and met with the owners. They want to put in a curtain drain as well clean out the drainage swale. Keith Landa made a motion to accept the application for review, 2nd by Chris McCartney, all in favor. **Accepted & Continued**

21 Brush Hill Road, map 23, block 2, lot 1-6 and 1 Margerie Drive, map 24, block 13, lot 1+15, parking and stormwater improvements, Father Robert Wolfe/applicant, St Edward the Confessor Corporation/owner. Benjamin Doto, representative for the applicant present. Maps reviewed; discussed parking lot and storm water management improvements. Soil Scientist report and planting plans provided. Margaret DiTullio made a motion to accept the application for review, 2nd by Carolyn Rowan, all in favor. **Accepted & Continued**

1 Hoover Place, map 27, block 3, lot 108, to construct a common driveway to the acreage west of the inland wetlands, Nejame Development, LLC/owner. Ralph Gallagher present, representing the applicant. Discussed items in the letter from Town Engineer Tony Iadarola- Item #3- Structural design of culvert- this would be provided after application approval since this is very expensive to purchase and the company won't give structural designs until they purchase the culvert. Item #4- per Mr. Gallagher they have a mat w/grass unless it's steeper than 2:1 then it would be armor coating. Item #7-next month they will provide info on this. Keith Landa made a motion to accept the application for review, 2nd by Chris McCartney, all in favor. **Accepted & Continued**

Old Business

142 Lake Drive South, map 25, block 1, lot 33, demolition of existing single-family residence and construction of new single-family residence, applicant/Peter Coffin, owner/ David & Laurie Pauker/owner. Alex Bellina & Ralph Gallagher present, representing the applicant. Maps reviewed & discussed. Per Ralph Gallagher they propose a 5-bedroom leaching system out front, by the driveway. The well will be abandoned and relocated on the south side of the property. The storm water proposed-existing rain garden in front. The driveway runoff will go to the large front yard raingarden which is off the property, between the road and their property-below the 440- on First Light's property. The will get approval from First Light. The stone walls are under 3.5 feet except the wall around the pool, that will need to be an engineered designed wall. Ellen Hines, Landscape Architect present. Planting plans reviewed and discussed. Not disturbing any existing plantings. Plans show new plantings. Everything below the 440 will be maintained and not impacted by the runoff. Walkways in back will become pervious. They have reduced impervious coverage by over 20% per Ms. Hines. New septic site shown on maps, abandoning existing septic. Pool wall height approx. 12 feet to the bottom of the pool, only about 3 feet will be exposed when finished per Ms. Hines. Discussed pervious driveway maintenance which would be annually. Carolyn Rowan made a motion to approve the application with the stipulation that the pool and wall designs be submitted for the record, 2nd by Keith Landa, all in favor. **Approve w/stipulations**

85 Lake Drive South, map 25, block 1, lot 22, remove existing stone patio, build new screened in porch, garage upper floor alterations, Ronald B. Noren/owner, Cris Busnel/applicant. Cris Busnel present. Maps reviewed. Sediment and erosion controls shown. Well and septic location also shown on maps. Roof liter drains will tie into the existing footing drains into existing catch basins. Margaret DiTullio made a motion to approve the application, 2nd by Carolyn Rowan, all in favor. **Approved**

335 Route 39, map 2, block 8, lot 5, landscaping, vegetation removal and planting, David Clark/owner. Sean Walter present, representing the owner. Revised maps reviewed showing well location and silt fencing. Tom Quigley and Tim Simpkins visited the site. Ernie Dech was concerned about the black pipe at the back of the house that has water spilling out onto the patio. Mr. Walter said they could add a level spreader to dissipate the water. Stairs going to the water were changed to dry laid stepping stones. Carolyn Rowan made a motion to approve the application with the stipulation that a level spreader for the liter drains be added to the plan, 2nd by Keith Landa, all in favor. **Approved w/stipulations**

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. Attorneys for both the applicant and property owner present. Tom Quigley spoke with the Town's Attorney and discussed how to word the motion. Tom Quigley and Tim Simpkins visited the site today and Tom voiced his concern on how wet the site was. Mr. Quigley also stated he had reviewed letters from both attorneys. The draft of application approval from the Town's Attorney was shared on screen, reviewed and discussed. There was also mention of a pipe (identified by Tim Simpkins as a sump pump discharge pipe) pumping water to the area, making it wetter. A picture of the shoreline was reviewed. Wetlands have been delineated -10 feet from the paved road per Tom Quigley. The Commission had a lengthy discussion how the conditions of the property could change depending on the seasons and how the property should be managed depending on this. Tom Quigley felt it best to leave it alone and was leaning to feasible alternatives. Other Commission members voiced concerns, stating that they felt uncomfortable about taking property rights away from property owners and wanted to find a way for them to use the easement while still protecting the wetlands.

Mr. Lubus, attorney for the applicant stated his client has a deeded right as well as other property owners. Without trimming it becomes impassable. Mr. Lubus said if you deny, you are taking his deeded rights away. They have used the easement in the past, the growth has happened due to the owner's actions per Mr. Lubus. Mr. McAndrews, owner's attorney stated it had not been maintained for a long time and that the easement holders have reasonable and prudent alternatives that do not impact wetlands, they support denial of the application.

The Commission discussed the draft of application approval again to add wording to further protect the wetlands- adding prior approval from the Wetlands Enforcement Officer before any action to remove vegetation could occur. They also added -should the regulated activity result in excessive damage to the wetlands the Town shall immediately issue a cease and correct order.

Keith made a motion to approve the application with the following conditions:

1. The deeded right of way will have a pedestrian path from Ball Pond Road East to the edge of Ball Pond
 2. It shall be no more than 6 feet wide
 3. Any mowing of the right of way will only be authorized from the road to the edge of the delineated wetlands
 4. From the wetland's boundaries to the water's edge of Ball Pond, cutting, pruning, and removal of vegetation will be authorized from the ground up
 5. All debris shall be removed from the premises
 6. The direction of the path shall be determined by the Conservation/Inland Wetland's Enforcement Officer to insure the least disturbance to the wetlands, once the path has been established and pruned in accordance with the aforesaid conditions, the applicant shall be issued a certificate of conformance from the Wetlands Enforcement Officer
 7. Should the right of way exceed the size and scope of what has been approved by the Commission and the Wetlands Enforcement Officer or should the regulated activity result in excessive damage to the wetlands, the Town shall immediately issue a cease and correct order, requiring the applicant to come back before the IWC for any material changes to the right of way
 8. Any action to remove vegetation will require prior approval from the Wetlands Enforcement Officer
- 2nd by Carolyn Rowan, Application approved 6 for, 1 against, 0 abstained. **Approved w/conditions**

Correspondence

None

Administrative

Approve Meeting February 27, 2024 amended- Margaret DiTullio made a motion to approve the 2-27-24 as written, 2nd by Carolyn Rowan, all in favor except Joan Archer who abstain. **Approved**

Conservation issues for the Town of New Fairfield-Carolyn Rowan-CLA has a YouTube video about Zebra mussels. Joan Archer-May 18th is Candlewood Lake Clean-up Day. Per Tom Quigley May 18th is also the day they will be doing water testing.

Adjournment

Keith Landa made a motion to adjourn, 2nd by Chris McCartney, all in favor. **Adjourned @ 9pm.**