

**CONSERVATION COMMISSION
FAIRFIELD, CONNECTICUT
MINUTES OF
SPECIAL CONSERVATION COMMISSION MEETING
December 5, 2013**

The Conservation Commission of the Town of Fairfield, held a Special Meeting on December 5, 2013 in MEETING ROOM II of Independence Hall, 725 Old Post Road, Fairfield, CT.

MEMBERS PRESENT: Kevin Gumper, Chairman; Kate Maxham, Vice Chair; Sam Boyarsky. **ALTERNATES:** Felicia Watson; Richard D'Amico. **ABSENT:** Richard Santalesa, Catherine O'Donnell, Secretary, Elizabeth Jones. Also Present: Thomas Steinke, Conservation Director, Annette Jacobson, Conservation Administrator; Edward Jones, Wetlands Compliance Officer/Open Space Manager; and members of the public and press.

CALL TO ORDER: The meeting was called to order at 7:55 p.m. by Chairman Gumper.

APPOINTMENT OF ALTERNATES: Felicia Watson and Richard D'Amico were appointed to sit as full members.

I. PUBLIC HEARING

Conservation Open Space & Public Access Easement Matters related to development of Black Rock Realty, LLC and Town of Fairfield at the formerly 21 Black Rock Turnpike, Kenard Street to Ash Creek - Assessor's Map 80 Parcel 4A

Request to temporarily close the Conservation Open Space & Public Access Easement for a period of approximately twelve (12) to seventeen (17) months, and/or to use and fence a five (5') foot portion of the easement area around the proposed building for construction and/or staging for the proposed construction of an apartment building.

(This hearing was held jointly with the Inland Wetlands Agency on wetlands issues)

The hearing was opened at 7:55 p.m.

Chairman Gumper stated that whatever the decision of the Commission is tonight on any of the motions decided at this meeting will have nothing to do, and is not precedential, and is not to be taken as approval of any of the issues related to the separate matters of the performance bond release, or the "done-ness" of the Open Space easement area.

Mr. Steinke reiterated his recommendations from his September 3, 2003

**DRAFT MINUTES SUBJECT TO REVIEW, CORRECTION AND APPROVAL BY
THE INLAND WETLANDS AGENCY OF THE TOWN OF FAIRFIELD**

memorandum that went to the Commission.

Several people spoke including Ed Jones, WCO/OSM; Kathryn Braun, RTM member; Jan Reber; Gaylord Meyer, RTM member; and Richard Petinelli, Parsons Brinkerhoff.

John Fallon, Esq. specifically noted that the 30” sanitary sewer pipe between the Post Road and Ash Street should be replaced for “peak” usage; and that the proposed apartment building natural gas utility meter access would be provided from inside the building/parking garage and that no disturbance of the Conservation easement would result from future maintenance/service of these units.

The public hearing was closed at 8:50 p.m.

Felicia Watson *moved* and Kate Maxham *seconded* a motion to allow the requested encroachment within the limitations set forth in the request for construction purposes on a temporary basis during the course of construction, provided on the condition, that the applicant/permittee fully indemnify and hold the Town harmless from property damage, personal injury or death occurring or resulting from any construction activity or other activity by the applicant/permittee or its representatives/assigns, with complete site restoration/remediation within the conservation easement area, with the applicant/permittee obtaining adequate insurance as determined by Town Counsel for that risk. *Motion passed unanimously.*

Kate Maxham *moved* and Sam Boyarsky *seconded* a motion to temporarily close the public access easement during the twelve to seventeen months of construction of the proposed apartment building. *Motion passed unanimously.*

- II. ADJOURNMENT:** There being no further business, Sam Boyarsky *moved* and Felicia Watson *seconded* a motion to adjourn at 9:03 p.m. *Motion passed unanimously.*

Respectfully,

Jacqueline Brown
Recording Secretary