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CONSERVATION COMMISSION
FAIRFIELD, CONNECTICUT
MINUTES OF CONSERVATION MEETING
April 15, 2010

APR 22 2010
TOWN CLERK'S OFFICE
FAIRFIELD, CT

The Conservation Commission of the Town of Fairfield held a Meeting on April 15, 2010, in Meeting Room II of the Honorable John J. Sullivan Independence Hall, 725 Old Post Road, Fairfield, CT.

MEMBERS PRESENT: Stanton Lesser, Chairman; Milan Bull, Vice Chairman; Frank Rice, Secretary; Landon Storrs; and J. Paul DeMarrais. **ALTERNATES:** Douglas Jones; Elizabeth Jones and Philip DiGennaro. **ABSENT:** Joan Neiley and Kathleen Maxham. Also Present: Thomas Steinke, Conservation Director; Edward Jones, Open Space Manager; Annette Jacobson, Conservation Administrator, and members of the public.

The meeting was called to order at 7:30 p.m. by Chairman Lesser.

APPOINTMENT OF ALTERNATES: Elizabeth Jones was appointed to sit as a full member.

I. CONSERVATION

A. Bills and Communications:

1. Approval of Minutes of the Conservation Commission Meeting of March 18, 2010: Milan Bull *moved* and Elizabeth Jones *seconded* to approve the meeting minutes of March 18, 2010. *Motion passed unanimously.*
2. Approval of Secretary's Bill for March 18, 2010: Milan Bull *moved* and Frank Rice *seconded* to approve the Secretary's Bill for March 18, 2010. *Motion passed unanimously.*

II. OLD BUSINESS

- A. 2010-2011 Budget (Status): Thomas Steinke advised the Commission that the Board of Finance had reviewed the budget request and it will now be going to the RTM for approval.
- B. Town of Fairfield Organic Teaching Farm Proposal/Request For Lease of Town-Owned Land (status): The Commission reviewed the memo of April 6, 2010 which set forth the various town owned sites inspected by Staff to determine their suitability for this use; Thomas Steinke advised the Commission that the recently acquired Parsells property is being considered. The Parks and Recreation Commission is now reviewing the matter. Town Attorney is also reviewing this matter to determine which Town agencies are required to review and approve the request. No further action by the Conservation Commission is required at this time. Stanton Lesser advised the Commission that he had received an e-mail message from Linda Murphy in support of the proposal for an organic teaching farm; this will be provided for review at the next Conservation Commission meeting.

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Paul DiGennaro arrived at 7:36 p.m. and Douglas Jones arrived at 7:37 p.m., during discussion on the following matter:

- C. Mill River Lead and Chromium Remediation – INCO/Exide Group, 2190 Post Road, and Superior Plating, 2500 Post Road: Thomas Steinke advised the Commission that the DEP is now requiring Superior Plating to conduct a survey for chromium prior to any dredging of the lead on the property by Exide. Mr. Steinke indicated that although there had been discussions in the past between Superior Plating and Exide for a coordinated clean-up of the property, those had not been fruitful. Exide is of the position that it was not responsible for the chromium contamination at the site. Landon Storrs inquired as to the most beneficial, ecologically sound and inexpensive method of clean-up which would require the least disturbance to the site, and asked Mr. Steinke to provide a summary of the issues to bring the newer commission members up to speed on this problem which has been going on for approximately thirty years. J. Paul DeMarrais indicated that it may be a good time to approach the parties to suggest that clean-up efforts be coordinated. This may be considered once the additional information is received with regard to the chromium mapping. Mr. Steinke advised the Commission that it will be reviewing this matter in the future as an advisory board to the DEP; and also as an inland wetland agency since a wetland permit would be required for dredging activities.
- D. US Army Corp of Engineers – Public Notice on the Public Availability of an Environmental Assessment Related to the Federal Channel and Anchorage Areas in Bridgeport Harbor, Bridgeport, Connecticut: Thomas Steinke advised the Commission that upon receipt of the information requested concerning the maintenance dredging, he did not believe that the project would have an adverse impact to the Fairfield beaches and Ash Creek.
- E. Southport Harbor Federal Navigation Channel – Meeting at CT DEP: Milan Bull indicated that he had attended the meeting at the DEP, and that it was well represented by various parties, including CT Department of Environmental Protection, CT DOT, US Army Corps of Engineers, Country Club of Fairfield, Pequot Yacht Club, and Town Boards. Mr. Bull noted that Geoff Steadman was also present on behalf of the Harbor Management Commission and Thomas Steinke was in attendance on behalf of the Shellfish Commission, both of which gave a very good presentation. Mr. Bull indicated that the DEP has requested that the Harbor Management Commission provide information to evaluate the volume of sand to quantify the shoaling problem, and to assess the natural resources. The need for periodic dredging of the channel is anticipated. Milan Bull suggested that the dredged sand be utilized to restore the off-shore islands such as Flat Island off Pine Creek Point which would provide additional nesting habitat for shore birds and beach nourishment, although the DEP-OLISP has concern for altering one habitat to benefit another.

Douglas Jones was appointed to sit as a full member. It was noted that Alternate Commissioner Philip DiGennaro would recuse himself on the following matter:

- F. CT OLISP Application of Philip DiGennaro To Install A Non-Harbor Mooring in Long Island Sound, off 607 Fairfield Beach Road – Shellfish Commission Comments: Thomas Steinke provided the Commission with a description of the proposal, including the alternative area suggested by the Town. The proposal was to have a non-harbored mooring in the area of the natural shellfish beds; the alternative location being considered is in the prohibited area, at the sewer outfall. Thomas Steinke noted the concern that once a mooring field is established, the State and Federal agencies may treat the area as a marina and regulate it accordingly; this may result in other activities such as shellfishing being prohibited in the vicinity of the mooring field. The currently prohibited shellfishing area around the sewer out-fall is approximately 75 acres, which would be sufficient. Water quality in that area is good due to the upgrades at the treatment plant. Mr. Steinke will provide additional comments at the May meeting.

III. NEW BUSINESS

- A. King's Mark Resource Conservation And Development Area: The Commission acknowledged receipt of a letter submitted by the Chairman of King's Mark Resource Conservation and Development Area, Inc. which set forth certain funding changes by the State which would affect the Environmental Review Team (ERT), and other similar programs. Prior to July 1, 2009 the land use fees collected by the State from the municipalities and distributed to the ERT program in accordance with C.G.S. §22a-27j; the new fee bill provides for these land use fees going directly into the State's General Fund, resulting in the ERT program, and others, now being funded out of a budgetary line-item in the State DEP's general budget.
- B. Proposed Changes to CT Water Quality Standards – Summary: Following inquiry by Landon Storrs concerning the proposed water quality standards, Mr. Steinke indicated that he did not anticipate any adverse impact to the Town of Fairfield. The changes proposed would result in a higher water quality standard.
- C. US Army Corp of Engineers – News Release – City of Bridgeport Seeks Corp Permit To Install Wharf, Modify Bulkhead, Add Floats and A Dry Dock in Bridgeport Harbor: Mr. Steinke indicated that he did not anticipate any impact to the Town of Fairfield as a result of this project.

IV. OTHER

- A. Conservation Department Web Site Statistics: Informational.

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- B. Earth Day Celebration Committee Announces Earth Day Celebration May 8, 2010: Informational. Edward Jones advised the Commission that Frank Rice would be present at the celebration on behalf of the Conservation Commission and encouraged other Commissioners to attend and assist him if possible. Landon Storrs noted that she will also be present.

SUPPLEMENTAL AGENDA

I. **OLD BUSINESS**

- A. CT DEP OLISP COP #2005-001-KB Illuzzi, 468 Sasco Hill Road; Maintenance Dredging, Replacement of Timber Pier, Aluminum Ramp and Timber Floating Dock: Thomas Steinke advised the Commission that this matter goes back to 2005, and that the DEP had initially required Mr. Illuzzi to cap approximately 4k cu of contaminated sediment with approximately 20k cu of clean fill. It was subsequently determined that the sediment was not contaminated, and therefore unnecessary to provide the clean fill. The applicant had submitted a request to the State DEP for an extension of time to conduct the dredging activities which request had been approved by the DEP. This raised concern by various parties, including the Shellfish Commission, since the timing would result in the dredging being done during the spawning period. Following discussion between the parties, Mr. Illuzzi sent Thomas Steinke an e-mail confirming that he will delay the dredging activities to the fall to avoid the shellfish spawning period (June 1st through September 30th).

There being no further business to come before the Commission, Landon Storrs *moved* and Douglas Jones *seconded* to adjourn at 8:22 p.m. *Motion passed unanimously.*

Respectfully submitted,

Betty Gabriel

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