

**CONSERVATION COMMISSION
FAIRFIELD, CONNECTICUT
MINUTES OF SPECIAL CONSERVATION MEETING
MAY 19, 2011**

The Conservation Commission of the Town of Fairfield held a meeting on May 19, 2011, in Meeting Room II, Second Floor Conference Room, John J. Sullivan Independence Hall, 725 Old Post Road, Fairfield, CT.

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

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 Special Meeting April 7, 2011: Kathleen Maxham *moved* and Elizabeth *seconded* to approve the meeting minutes of April 7, 2011 with the following correction – Subparagraph II. A., the word “be” is inserted in the second sentence to read “The Chairman will make a determination as to whether or not the regular meeting should be canceled, and the business will be addressed at a special meeting on the evening of the regularly scheduled Inland Wetlands Meeting.” *Motion passed unanimously.*

Douglas Jones arrived at 7:34 p.m.

2. Approval of Secretary’s Bill for April 7, 2011: Kathleen Maxham *moved* and Elizabeth Jones *seconded* to approve the Secretary’s Bill for April 7, 2011. *Motion passed unanimously.*

Kevin Gumper arrived at 7:36 p.m.

II. OLD BUSINESS

Chairman Lesser appointed Douglas Jones as a full member.

A. Hoyden’s Hill Open Space

1. Fairfield Organic Teaching Farm Proposed Bird Survey: Thomas Steinke noted that the Conservation Commission had predicated its previous endorsement of the FOTF request upon a bird survey of the site being conducted. Mr. Steinke noted that two quotes were received in the amount of \$3k,

**DRAFT MINUTES SUBJECT TO REVIEW, CORRECTION AND APPROVAL BY
THE CONSERVATION COMMISSION OF THE TOWN OF FAIRFIELD**

and another quote came in at 4k. These amounts exceed the funds available by the FOTF, and former First Selectman Kenneth Flatto had agreed to cover one half of the costs for the survey (\$2,400.00 or 50%). Selectman Sherri Steeneck is also in agreement with this contribution by the Town. Despite the contribution of one half of the costs, the FOTF still does not have the necessary funds to cover the expense of a bird survey. Although the FOTF is seeking grant funds for this project, they would not be available in time, and an entire planting season will be lost. Mr. Steinke noted that the Conservation Commission may wish to use funds from the H. Smith Richardson Trust Fund to provide the balance of funds required for the bird survey, which would then be reimbursed if and when the grant funds are received by the FOTF. Milan Bull indicated that he is familiar with the ornithologists that had submitted quotes, and noted that he thought it was important to have the survey conducted now, that we need to approximate where the state listed species are on this site, and further indicated that he would be in favor of utilizing the H. Smith Richardson Trust Funds for the survey costs. Kathleen Maxham noted that although the use of H. Smith Richardson Trust funds would be consistent with the intent of the fund, she would not be in favor of using Conservation Department budget funds. Thomas Steinke advised the Commission that use of the H. Smith Richardson Trust funds is not currently an option, since the transfer to the new trustee is not yet finalized. Kathleen Maxham noted her concern that the FOTF may not be sufficiently funded to undergo this project, and inquired whether another year of fundraising may be necessary. Pamela Jones of the FOTF noted that the organization does have some funds, which are earmarked for other purposes, and indicated that the FOTF would be happy to make a token contribution, and that the bird study was an obligation that went far beyond what the FOTF would be doing at the site.

Following discussion, Frank Rice *moved*, and Kevin Gumper *seconded* to have Conservation Staff proceed with the RFP for the bird study, and to obtain the funds offered by the First Selectman's Office, and to cover any remaining balance, with reimbursement from any grant funds received by the FOTF. *Motion passed unanimously.*

Pamela Jones inquired whether the nominal contribution to be submitted by FOTF for the cost of the bird survey would be determined by that organization; the Commission confirmed that to be accurate.

Elizabeth Jones raised several concerns that she has concerning the project, and prior to endorsing any lease she would like clarification as to the intended use of the Hoyden's Hill Open Space by the Fairfield Organic Teaching Farm. Some of the concerns raised by Elizabeth Jones include:

(a) apparent lack of funding, and that the FOTF had not met its goal of \$70k - *Pamela Jones advised the Commission that fundraising was hindered due to the fact that the organization did not have a lease;*

(b) an environmentally responsible organization should want to make sure that the project will not have an adverse effect – *Pamela Jones noted that a reasonable standard should be used, that there is bulldozing nearby, and that the nets at the range are killing the birds;*

(c) Information provided to the Commission when it voted to approve the proposed use of Hoyden's Hill Open Space by the Fairfield Organic Teaching Farm, does not appear to be consistent with the information currently reflected on the organization's website and other media. Elizabeth Jones indicated that in September 2010 the Commission was advised that there would be discreet cultivation, micro-farming, limited public traffic, and that all workshops, events and fundraisers would be held off-site. No outdoor pizza oven would be at the site. Elizabeth Jones indicated that the FOTF website notes a vision for the farm to include barbeques, hayrides, quilting, bee-keeping, sugaring, pressing of apple cider, wreath-making, heritage chickens, and food. The website also noted that the farm would be a center for town events and seasonally inspired activities. Elizabeth Jones indicated that a You-Tube video (filmed at Hoyden's Hill Open Space) reported that: the farm will be an outdoor living lab; that chefs from local restaurants will be brought in to talk about food, that a large fundraiser would be held on site next spring, and that a shed was going to be built. An article published in the Fairfield Sun on March 31, 2011 quoted Pamela Jones as saying that she is requesting certain materials from the dwelling, like wood and stone to be saved so that her group can re-use them for such things as sheds and outdoor fireplace. That same article noted that the vision would be to restore the structure as one of Fairfield's last and most beautiful barns and use it for storage and informal workshops. *Pamela Jones advised the Commission that this information was put up a long time ago, and that the vision has changed, in that the Fairfield Organic Teaching Farm is no longer following the Ambler Farm model. Some of the activities noted by Pamela Jones include evening walks, star-gazing, camping by Boy Scout groups, and a fundraiser next Spring. The fundraiser will likely take place at the library. The Yale sustainable farm will now be used as a model. There will not be any construction by FOTF.*

(d) the lease notes "busses"; clarification concerning the intentions by Fairfield Organic Teaching Farm with regard to the specific activities at the site should be obtained prior to entering into the lease agreement.

It was the consensus of the Commission that the lease agreement will be reviewed at the June Conservation Commission meeting.

2. Golf Driving Range Netting – Bird Interactions: At the request of Parks and Recreation Director Gerald Lombardo, this matter will be tabled to the June meeting for discussion.

B. Fiscal Year Budget 2011-2112: Thomas Steinke reported that the Conservation budget has been adopted, and that following its review and vote, the RTM did not impose any additional cuts.

C. Matrix Town Operational Audit – Status: Thomas Steinke reported that the Matrix Audit has been completed, with recommendations proposed for the Conservation Department. This matter will be on the June agenda for discussion; Mr. Steinke indicated that it may be helpful to appoint a subcommittee to review the final report and recommendations proposed by Matrix.

D. DEP-OLISP Certificate of Permission Application of Roberge Associates for Pequot Yacht Club, 669 Harbor Road, Fairfield – North Anchorage Dredging Project: Thomas Steinke provided the Commission with a brief description of the project, noting that the Pequot Yacht Club is proposing to dredge from 6’ to 9’ in the northern anchorage. Mr. Steinke noted that the project has not yet been formally noticed by the DEP; this matter will be placed upon a future agenda for further review and discussion.

E. DEP-OLISP Certificate of Permission Application of Roberge Associates for The Country Club of Fairfield, 936 Sasco Hill Road, to repair a seawall: Thomas Steinke advised the Commission that the application did not include important information which would provide a clear understanding of what currently exists at the site. Mr. Steinke noted that he recommends endorsement of the concept for the activities proposed in the application, with the condition that revised plans be submitted to include the important information, as outlined in his memo of May 3, 2011. Following discussion, Kathleen Maxham *moved*, and Elizabeth Jones *seconded* to submit a letter to the CT DEP OLISP advising that the Conservation Commission endorses the application concept, with the condition that the plans be revised in accordance with Thomas Steinke’s May 3, 2011 memo. *Motion passed unanimously.*

F. DEP-OLISP Permit Application of Roberge Associates for Paul and Patti Zecchi of 1774 Fairfield Beach Road to repair/replace an existing timber bulkhead: Thomas Steinke advised the Commission that it had previously reviewed this matter, and provided the Commission with a description of the project. Mr. Steinke noted that the replacement of the bulkhead would result in elimination of a wetland area, and that the Commission may wish to encourage the DEP to support mitigation in the Pine Creek estuary relative to this project. Timothy DeBartolomeo of Roberge Associates was present this evening on behalf of the applicant. Mr. DeBartolomeo advised the Commission that the DEP does not have a policy for compensatory mitigation with regard to residential projects. Mr. DeBartolomeo further indicated that a very isolated small patch of wetland would be lost due to the filling behind the bulkhead, and that the mitigation proposed is expansive, impacting over 70 acres. Thomas Steinke advised the Commission that the Shellfish Commission had recently voted that the mitigation must occur in Fairfield. Following discussion, Kevin Gumpfer *moved*, and Douglas Jones *seconded* to authorize Thomas Steinke to communicate with the CT DEP to encourage support for the compensatory mitigation to occur in Fairfield, preferably in the Pine Creek area. *Motion passed unanimously.*

G. CT DEP Tentative Determination to Approve the US Army Corps of Engineers of the Department of the Army Connecticut General Permit: Thomas Steinke advised the Commission that the US ACOE is seeking to reduce its workload, and to do “automatic permits”. Mr. Steinke noted that he has concern with regard to the automatic issuance of permits that provide for off-bottom supports for floats, as this design limits access for shellfishing and dredging. If the automatic permit process is approved, the Conservation Commission would not have an opportunity to review and provide comment on certain applications. Following discussion, Milan Bull *moved*, and Elizabeth Jones *seconded* to endorse Thomas Steinke’s concept of communicating with the Army Corps of Engineers that the proposal will have a potential negative impact on the shellfish resource, and to endorse the water quality component of the general permit. *Motion passed unanimously.*

H. CT DEP Wetlands Habit and Mosquito Management Program (WHAMM) – Open Marsh Water Management (OMWM) for Saltmarsh Mosquito Control: Thomas Steinke advised the Commission that he is currently communicating with the DEP on this matter; DEP representatives were visiting the Town’s marshes. Work may start in the Fall.

I. Dog Related Complaints on Open Space Areas: Informational.

III. NEW BUSINESS

A. CT General Assembly – Bill No. 6557 – An Act Concerning Liability for Recreational Use of Lands: Informational.

B. Environmental Quality in Connecticut – Council on Environmental Quality 2010 Annual Report: Informational.

IV. OTHER

A. Eagle Scout Project – Phil Siano – Brett Woods Open Space Area: Informational.

B. Conservation Department Web Site Statistics - Informational.

V. ADJOURNMENT

There being no further business to come before the Commission, Kathleen Maxham *moved* and Elizabeth Jones *seconded* to adjourn at 8:52 p.m. *Motion passed unanimously.*

Respectfully submitted,
Betty Gabriel