

**CONSERVATION COMMISSION  
FAIRFIELD, CONNECTICUT  
MINUTES OF CONSERVATION MEETING  
JULY 21, 2011**

The Conservation Commission of the Town of Fairfield held a meeting on July 21, 2011, in Meeting Room I, First 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; Joan Neiley; and Kathleen Maxham. **ALTERNATES:** Elizabeth Jones. **ABSENT:** Douglas Jones and Philip DiGennaro, Jr. Also Present: Thomas J. Steinke, Conservation Director; Edward Jones, Open Space Manager; Annette Jacobson, Conservation Administrator; Eileen Kennelly, Assistant Town Attorney, 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 Meeting June 16, 2011: Milan Bull *moved* and Frank Rice *seconded* to approve the meeting minutes of June 16, 2011. *Motion passed unanimously.*
2. Approval of Secretary's Bill for June 16, 2011: Milan Bull *moved* and Kathleen Maxham *seconded* to approve the Secretary's Bill for June 16, 2011. *Motion passed unanimously.*

Joan Neiley arrived at 7:36 p.m. during discussion on the following matter:

**II. OLD BUSINESS**

A. Tuller Road Subdivision – Offer of Open Space: Edward Jones indicated that this matter was back on the agenda from the June meeting, pursuant to the Commission's request for additional information, including (1) who would be responsible for the maintenance of the stormwater detention basin; (2) dry access from Little Brook to Tuller Road; (3) relocation of the proposed maintenance vehicle access strip to the stormwater detention system and open space from Tuller Road; and (4) public access to the proposed open space area from Little Brook Road. Mr. Jones advised the Commission that revised plans addressing these issues were not submitted, and that a new letter from the applicant now requests a fee in lieu of open space. Therefore, Conservation Staff is now recommending that the Commission recommend to Town Planning and Zoning that it accept a fee in lieu of open space. Following discussion, Kevin Gumper *moved*, and Milan Bull *seconded* to recommend that the Town Planning and Zoning Commission accept a 10% fee in lieu of the offer of open space, as per Statute. *Motion passed unanimously.*

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

B. Department of Energy And Environmental Protection (DEEP) Tentative Determination to Approve Permit Application #200801979-TS, Randy Phelps at 240 Harbor Road to Remove An Existing Dock and Install A New Dock: Thomas Steinke provided a description of the project, noting that the Conservation Commission had first reviewed this application in 2008. Mr. Steinke indicated that he recommended that the Commission forward a letter recommending approval of this application, with a condition that the float be removed for access during November 15 – April 15, if so requested by the Fairfield Shellfish Commission. Following discussion, Kevin Gumpfer *moved*, and Kathleen Maxham *seconded* to have Staff send a letter recommending approval of this application, with a condition that the float be removed for access during November 15 – April 15, if so requested by the Fairfield Shellfish Commission, as per Mr. Steinke’s recommendation. *Motion passed unanimously.*

C. CT DEP Wetlands Habitat and Mosquito Management Program (WHAMM) – Integrated Marsh Management (IMM) Property Owner Notification: Thomas Steinke advised the Commission that the State has notified all property owners in the marsh area regarding this project, and approximately ninety-percent have responded favorably. Mr. Steinke indicated that he personally contacted some of the area property owners who had raised concerns or questions to explain the benefits of this project. The application is expected to be submitted soon, and the work will be conducted this fall. The Commission acknowledged the significant benefits this project is expected to have for the residents living in the marsh area, in that there will be a significant reduction in mosquito breeding.

D. Fairfield Organic Teaching Farm:

1. Bird Survey Funding: Thomas Steinke advised the Commission that the Audubon Society grant funds had not been awarded to the Town of Fairfield for this project. Milan Bull indicated that he will follow up for possible reconsideration.

2. Proposed Lease: Assistant Town Attorney Eileen Kennelly was present this evening to discuss the revisions she had made to the lease agreement between the Town of Fairfield and the Fairfield Organic Teaching Farm organization. Ms. Kennelly indicated that the liability insurance has been changed to one million with a two million aggregate. A property description and a map of the area to be leased were included as exhibits to the lease. The lease is for a period of three years with no option for automatic renewal. Thomas Steinke indicated that the bird survey is due to be completed by Buzz Devine in August. Commissioner Elizabeth Jones expressed her concern that the Commission is setting a precedent for leasing and underwriting the leasing of Town open space properties. Elizabeth Jones noted that she completely supports the concept of an organic teaching farm in Town, but expressed her strong concerns for the Town of Fairfield expending its valuable resources, both in costs and the devotion of Department of Public Works and Conservation Department employees’ time and effort on behalf of the Fairfield Organic Teaching Farm. Elizabeth Jones suggested that an alternative location such as a university or Town high school campus would be more appropriate until the organization is proven and properly funded. Chairman Lesser indicated that the organic teaching farm is another activity available to

the Town residents. Joan Neiley *moved*, and Frank Rice *seconded* to approve the proposed lease as presented. The Commission continued to review and discuss the matter. Kevin Gumpper expressed his concern that the proposed lease did not contain sufficient indemnification language to protect the Town's interest. It was agreed that Commissioner Gumpper will provide Assistant Town Attorney Eileen Kennelly with stronger indemnification language for incorporation in the lease agreement. Following considerable discussion, Kevin Gumpper *moved*, and Joan Neiley *seconded* to approve the proposed lease, with the amendment to include stronger indemnification language as approved by Eileen Kennelly. **In Favor:** Stanton Lesser; Joan Neiley; Frank Rice; Milan Bull; Kevin Gumpper. **Opposed:** Elizabeth Jones. **Abstention:** Kathleen Maxham: *Motion carries 5-1-1*

E. Open Space Dog Issues:

1. Dog Signs (status): Edward Jones provided the Commission with a sample sign which included the relevant regulations for posting at Lake Mohegan open space area. Mr. Jones further indicated that the Town animal control officer and police department will be responsible for enforcement of the regulations.

2. Lake Mohegan Fecal Contamination – Ms. Joan Rasmussen: Mr. Jones indicated that a member of the public had expressed concern with regard to the fecal contamination at Lake Mohegan open space area. Mr. Jones reported that he reviewed the matter with the health department and obtained information concerning that department's testing procedures as well as criteria for beach closure. Mr. Jones further indicated by the health department that water testing results have been favorable. It was noted that the Commission will review this matter further should water testing reflect a raise in the fecal count in Lake Mohegan.

**III. NEW BUSINESS**

A. Proposed Bridge Replacement On Valley Road over Horse Tavern Creek: The Commission acknowledged receipt of a letter from William Hurley, Engineering Manager for the Town of Fairfield providing notice that the Town has initiated plans to replace the Valley Road Bridge over Horse Tavern Brook and generally encouraged environmental sensitivity in bridge design.

**IV. OTHER**

A. Completion of Eagle Scout Project – Richard Stelmaszek – Mill Hill Open Space Area – Foot Bridge And Trail Improvements: Informational.

B. Completion of Eagle Scout Project – Phil Siano – Brett Woods Open Space Area – Boardwalk: Informational.

C. 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 7:58 p.m. Motion passed unanimously.

Respectfully submitted,  
Betty Gabriel