

**CONSERVATION COMMISSION
FAIRFIELD, CONNECTICUT
MINUTES OF CONSERVATION MEETING
OCTOBER 20, 2011**

The Conservation Commission of the Town of Fairfield held a meeting on October 20, 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; Joan Neiley; and Kathleen Maxham. **ALTERNATES:** Elizabeth Jones and Philip DiGennaro, Jr. **ABSENT:** Kevin Gumpfer and Douglas Jones. 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 7:31 p.m. by Stanton Lesser.

APPOINTMENT OF ALTERNATES: Elizabeth Jones and Philip DiGennaro, Jr. were appointed to sit as full members.

I. CONSERVATION

A. Bills and Communications:

1. Approval of Minutes of the Conservation Commission Meeting September 15, 2011: Milan Bull *moved* Kathleen Maxham *seconded* to approve the meeting minutes of September 15 2011. *Motion passed unanimously.*

Frank Rice noted that the bird survey matter was on the agenda in September and October and suggested that the extra copies should be provided to Conservation Staff so that they could have additional copies available when the public requests the same.

2. Approval of Secretary's Bill for September 15 2011: Milan Bull *moved* and Kathleen Maxham *seconded* to approve the Secretary's Bill for September 15 2011 *Motion passed unanimously.*

Joan Neiley arrived at 7:32 p.m.

II. OLD BUSINESS

1. A. DEEP-OLISP COP Application by John Hilts for Southport Realty Corp. at 789 Harbor Road, Southport, to Replace Decking, Pier, Ramp and Floating Dock: Thomas Steinke provided the Commission with a description of the proposed activities as well as the existing conditions of the site. Photographs of the site were also provided and reviewed. Mr. Steinke provided information on the Town's shellfish relays indicating that water quality, productive shellfish habitat, and ability to access the area for shellfish relays are some of the issues. There are concerns with regard to the Horse Tavern Creek culvert in that area with respect to marsh restoration and flood protection after the proposed timber piles extend 23' further into the harbor. The applicant's plans did not evidence any town easement, and the ownership of the culvert, curb, catch-basin, and sidewalk should be reviewed by Town Engineering and Town Attorney. The Town

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

Engineer has indicated that the Town of Fairfield owns the culvert and currently maintains the same. Mr. Steinke's review of the deeds on record with the Town Clerk's office did not evidence the Horse Tavern Creek culvert being conveyed to the 789 Harbor Road property. The applicant has submitted plans noting that it is the owner of the culvert and public improvements. Mr. Steinke's review of the site and the applicant's plans appear to show activity 6' 6" into the Horse Tavern Creek culvert, and indicated that the proposed construction activities could damage the common culvert wall with the house foundation wall, and potentially impair the tidal flow to the Horse Tavern Creek salt marsh. The existing structure of the applicant is currently in poor condition; the pilings are rotted and sistered. Mr. Steinke indicated that there is currently a hinged ramp and strut to hold the dock, and further indicated that the permanent fixed piles proposed by the applicant would prohibit accessibility for shellfish dredging activities, and recommended a removable strut-supported design structure as exists on the applicant's dock today. Mr. Steinke noted that the accessibility for the commercial fishermen to come into the area to dredge the shellfish in that area is dependent upon seasonal removal of the dock float with no permanent pile structures. The applicant's consultant Mr. Hilts indicated that the area could be accessed by a hand dredge or small boat. Upon inquiry by Chairman Lesser, Mr. Hilts indicated that the face of the proposed dock will remain in its current location, but that the proposed piles will be extended further. Mr. Preusch indicated that the existing dock is not in DEEP compliance. Following considerable discussion, Kathleen Maxham *moved*, and Milan Bull *seconded* to adopt the October 13, 2011 recommendations of Thomas Steinke for forwarding to the CT DEEP-OLISP. **In Favor:** Stanton Lesser; Joan Neiley; Milan Bull; Kathleen Maxham; Elizabeth Jones; Philip DiGennaro, Jr. **Opposed:** Frank Rice. *Motion carries 6-1.*

B. Open Space Trail Guide: The Commission reviewed the summary reconciliation outlining the sales of the trail guide through October 13, 2011. Frank Rice advised the Commission that the sales are going well, and that he currently has approximately twenty-six guides out to various vendors, and has forty-three in his possession for sales. Fourteen guides were sold at the recent Greenfield Hill Village Improvement Association pumpkin festival. Fairfield Stationers is currently liquidating the contents of its store on the Post Road and does owe the Town of Fairfield for guides it had sold at that store; the owner is still operating the business at another location. Frank Rice has submitted an invoice to Fairfield Stationers for the six copies it has sold. Mr. Rice noted that the Town was owed monies (\$585.00) when Borders had filed bankruptcy; that matter is being handled by the Assistant Town Attorney. The Town of Fairfield currently has approximately \$11,985.00 in an account representing the proceeds from the sales of the trail guide.

C. Hoyden's Hill Open Space:

1. Bird Survey: The Commission reviewed the Bird Survey prepared by Buzz Devine. Thomas Steinke reviewed the executive summary which outlined the species of concern on the east side of the property. There appears to be a transition - the vegetation is changing, the habitat is changing and the species of animals and birds is changing. Mr. Steinke indicated that if the Commission wishes to maintain these early successional bird species, then it is necessary to maintain the same habitat conditions. Mr. Steinke recommended that a management plan be developed for this purpose, noting that it is a worthy goal and should be considered in the future. Milan Bull supported this effort. Use of the H. Smith Richardson Trust funds may be considered if no other funding is available to cover the related costs. Milan Bull will obtain

information concerning potential Audubon grant funding. Upon inquiry by Kathleen Maxham as to how the Commission would proceed to develop a management plan, Thomas Steinke noted that there are many resources for this project, and Mr. Bull indicated that there may be funding available as well. Mr. Bull further advised the Commission that the suite of birds currently utilizing this shrub-land habitat is the fastest declining suite of birds in the State of Connecticut; some of which are declining at a rate of nine to ten-percent per year. Hoyden's is the largest open space site in the Town of Fairfield with the shrub-land habitat, and as such, development of a management plan to maintain the habitat conditions at this particular site could have the greatest beneficial impact. These bird species also share habitat with the New England Rabbit, which is also declining; funding may be available in connection with preservation of that species.

2. Barn Repairs: Thomas Steinke reported that he is seeking funds from two grants which may be available; the funds are needed to off-set the costs related to the stabilization and repairs to the barn at Hoyden's Hill Open Space. If grant funds are awarded, the Conservation Staff will also need to expend time and effort to coordinate the project with contractors.

3. Lease of Farm Lands and Barn: Thomas Steinke indicated that the Commission may want to give consideration to leasing of the area at Hoyden's Hill Open Space, now that the request by the Fairfield Organic Teaching Farm organization has been withdrawn. Mr. Steinke noted that there may be others who are interested in leasing the site, and it may be beneficial to send a letter out to the area farmers giving notice of the Commission's intent to lease for farming. This may reduce the time and expense by the Town for maintenance at the site if a lessee undertakes those tasks. Upon inquiry by Elizabeth Jones, Chairman Lesser indicated that the Fairfield Organic Teaching Farm had issues with the Board of Selectmen, and the organization became frustrated over the delays and felt that they were being harassed. Elizabeth Jones noted that moving forward, the Commission should avoid leasing to individuals/organizations that lacked experience, and suggested that a comprehensive business plan be required. Milan Bull indicated that municipalities are not eligible to obtain funds under federal WHIP (Wildlife Habitat Improvement Program) grants, as it may only be available for privately owned property.

4. Girl's Baseball Field and Parking Layout: Thomas Steinke reviewed the layout with the Commissioners, noting that the current layout is proposed to be consolidated in the area of the practice green, driving range and sand trap, and measures approximately 100' x 140'. Mr. Steinke indicated that it would be advantageous to shift the location of the softball field/parking somewhat in order to pursue the management of the bird habitat outlined in Buzz Devine's report. Mr. Steinke has reviewed this with the Recreation Director and the Engineering Department, who will draw up a revised layout for review and discussion. It was the consensus of the Commission to pursue a revised layout as Mr. Steinke described.

See IV. Other (4) below for discussion regarding the Greenfield Hill Village Improvement Association pumpkin festival.

III. NEW BUSINESS

A. Request of Laura Geraghty, Photographer to use the Penfield Mills Open Space Area: Following discussion, Milan Bull *moved*, and Kathleen Maxham *seconded* to approve the request of Laura Geraghty to use Penfield Mills Open Space area. *Motion passed unanimously.*

B. DEEP-OLISP COP Application of the Town of Fairfield to remove Pine Creek ditch sediment and retain 42" diameter storm sewer pipe between Ruane Street and Thorpe Streets: Thomas Steinke advised the Commission that the Town of Fairfield has submitted this application to remove ditch sedimentation which is prohibiting sufficient drainage and causing storm sewer flooding events. The Commission reviewed Mr. Steinke's October 13, 2011 memo which outlined various concerns and recommendations. Following discussion, Kathleen Maxham *moved*, and Elizabeth Jones *seconded* to accept Thomas Steinke's recommendations as outlined in his memo of October 13, 2011 for forwarding to CT DEEP-OLISP. *Motion passed unanimously.*

C. Proposed Acquisition of Open Space Property on the Corner of Vermont Avenue and Kings Highway: Thomas Steinke advised the Commission that this property is located across from the area known as "wetland six" of the Fairfield Metro property, and is directly behind Whole Foods market. When the associated parcel of the Handy and Harman site was approved for development, the Town Planning and Zoning had endorsed the concept of acquiring this parcel for open space, although it was not included as a condition. Mr. Steinke indicated that some soil testing of the site has been conducted from 6"-12" deep, and the results revealed that contaminants were below residential minimal levels. Mr. Steinke noted that he reviewed the RAP relative to the remediation of the Handy & Harman parcel. Mr. Steinke recommends that additional testing be conducted on the surface soils to 6" depth. Such testing is especially important since the site, if acquired by the Town of Fairfield, would likely be utilized for recreation by neighborhood children and adults, and further recommended that the offer be reviewed further by the Land Acquisition Commission.

IV. OTHER

A. CACIWC 34th Annual Meeting and Environmental Conference November 12, 2011: Informational. Commissioners who wish to attend will contact the Conservation Department to coordinate registration.

B. The Northeast Organic Farming Association of Connecticut (CT NOFA) Offer of Publications: Informational.

C. Conservation Department Web Site Statistics - Informational.

D. Elizabeth Jones noted that approximately two-thousand people attended the Greenfield Hill Village Improvement Association pumpkin festival this year. This event is not a fund raiser but a "give-back" by the Greenfield Hill Village Improvement Association, who underwrites this event. The event is supported by Robert Haydu of Greenfield Farm, and the Town of Fairfield. All proceeds go to the Aspetuck Land Trust.

V. ADJOURNMENT

There being no further business to come before the Commission, Elizabeth Jones *moved* and Milan Bull *seconded* to adjourn at 9:06 p.m. *Motion passed unanimously.*

Respectfully submitted,
Betty Gabriel