

**CONSERVATION COMMISSION
FAIRFIELD, CONNECTICUT
MINUTES OF SPECIAL CONSERVATION MEETING
DECEMBER 1, 2011**

The Conservation Commission of the Town of Fairfield held a Special meeting on December 1, 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; Joan Neiley; Catherine O'Donnell; and Kathleen Maxham.

ALTERNATES: Douglas Jones and Philip DiGennaro, Jr. **ABSENT:** Elizabeth Jones. Also Present: Thomas Steinke, Conservation Director; Edward Jones, Open Space Manager; Annette Jacobson, Conservation Administrator; Geoff Steadman, Consultant for the Fairfield Harbor Management Commission; Mary von Conta, Chairman of the Fairfield Harbor Management Commission; and members of the public and press.

I. CALL TO ORDER: The meeting was called to order at 7:40 p.m. by Stanton Lesser.

II. APPOINTMENT OF ALTERNATES: No appointments were necessary.

III. CONSERVATION:

A. Bills and Communications:

1. Approval of Conservation Commission Meeting Minutes of October 20, 2011: Milan Bull *moved*, and Joan Neiley *seconded* to approve the Conservation Commission Meeting Minutes of October 20, 2011. *Motion passed unanimously.*

2. Approval of Secretary's Bill for October 20, 2011: Joan Neiley *moved*, and Kathleen Maxham *seconded* to approve the Secretary's Bill for October 20, 2011. *Motion passed unanimously.*

3. Approval of Conservation Commission Special Meeting Minutes of November 3, 2011: Kathleen Maxham *moved*, and Milan Bull *seconded* to approve the Special Conservation Commission Meeting Minutes of November 3, 2011. *Motion passed unanimously.*

4. Approval of Secretary's Bill for November 3, 2011: Kathleen Maxham *moved*, and Milan Bull *seconded* to approve the Secretary's Bill for November 3, 2011. *Motion passed unanimously.*

IV. OLD BUSINESS:

A. Draft 2012 Meeting Schedule: Kathleen Maxham *moved*, and Kevin Gumper *seconded* to approve the Draft 2012 Meeting Schedule. *Motion passed unanimously.*

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

V. NEW BUSINESS:

A. Election of Officers: Kathleen Maxham *moved*, and Catherine O'Donnell *seconded* to nominate the following slate of officers:

Chairman: Stanton Lesser; Vice Chairman: Milan Bull; Secretary: Kevin Gumper.

There were no further nominations. Frank Rice confirmed that, after several years of serving as an officer, he did not wish to be on the slate for the upcoming year. Vote on the slate of officer: *Motion passed unanimously*. Chairman Lesser thanked Mr. Rice for his service.

B. 2012-2013 Conservation Commission Budget Request – Review and Vote: Thomas Steinke noted that although departmental revenue has decreased from the previous fiscal year, the department has met its goals in terms of the two-year average established by the Inland Wetland Agency for recovery of 85% -105% of the costs to run the inland wetland program. Mr. Steinke further indicated that he does not anticipate an increase in revenue due to the poor economy, and as such he did not recommend including requests for additional personnel or funding for capital items. Open Space Manager Edward Jones continues to undertake some of the inland wetland program responsibilities, and will likely need to dedicate more time in this program due to the workload, which would result in less available time to address the open space areas, unless other alternatives are implemented. Thomas Steinke suggested that the Commission give consideration as to how it could modify its regulations to streamline the wetland permitting process, since Conservation Staff is continuing to handle a high work-load with a reduction in personnel. Mr. Steinke also noted that consideration should also be given to having those Commissioners who are DEEP-certified participate in the review and processing of wetland applications. Another alternative could be placing more of the burden on the applicant such as requiring the hiring of an independent consultant to perform those functions of a compliance officer in the processing of its application, and to require more complete data. Following the Commission's review of the draft budget request, and discussion, Frank Rice *moved*, and Joan Neiley *seconded* to accept the draft 2012-2013 Conservation Commission budget request, as presented. *Motion passed unanimously*.

C. CT DEEP-OLISP, Notice of Tentative Determination – Notice of Intent to Waive Public Hearing, Application No. 200400010-TS, Town of Fairfield Harbor Management Commission, proposal to remove derelict structures, repair existing pier, install new community sailing dock consisting of ramp, float and piles; repair and expand existing boat ramp, install float atop existing boat ramp, and conduct new dredging for recreational boating. Proposed activities to be conducted at the Lower Wharf and Ye Yacht Yard: Thomas Steinke provided the Commission with a description of the proposal, noting that the deadline for petitioning for a public hearing is December 12, 2011; the comment period expires on December 30, 2011. Mary von Conta, Chairman of the Harbor Management Commission was present to answer any questions of the Conservation Commission, and suggested that a working committee be established consisting of a few individuals from some of the

Town boards to review the project and attempt to resolve any outstanding issues. Kevin Gumper questioned the Conservation Commission's role in this matter, since the Town has a Harbor Management Commission addressing the Harbor issues, and a Shellfish Commission which addresses shellfish habitat issues. Thomas Steinke referred to the Multiple Use Management Plan for Coastal Open Spaces adopted by the Conservation Commission as well as his memo outlining those issues and areas of concern. Milan Bull agreed that the Commission does review conservation issues. Kevin Gumper *moved*, and Frank Rice *seconded* that the Conservation Commission will not comment or take any further action on this application. The Commission then discussed the matter as follows: Upon inquiry by Stanton Lesser, Mary von Conta noted that she did not have any objection to the Conservation Commission refraining from comment with regard to this application. Ms. von Conta indicated that she had suggested Conservation Commission participation in the work group due to possible interest. Kathleen Maxham indicated that she agreed with Kevin Gumper and Frank Rice, noting that she did not believe that the Conservation Commission should submit comments. Stanton Lesser indicated that electing not to make recommendations may set a precedent.

Following a request by Commissioners Joan Neiley and Milan Bull for Staff opinion on this matter, Thomas Steinke noted that there are plant and animal species that are worthy of protection, including rare and endangered species in the harbor area, and that the Shellfish Commission does not address the non-shellfish species. Protection of this habitat is very important; the harbor is a watercourse resource, and the Commission has historically expressed concern and commented on matters affecting the estuarine habitat and resources. Mr. Steinke recommended that the Commission submit its comments to the DEEP-OLISP, in that upon its review, it either found that the proposal would or would not have an adverse impact.

Mary von Conta indicated that the Harbor Management Commission had initiated a meeting at the DEP in Hartford approximately two years ago in which many Town Boards and Commissions, together with DEEP and U.S. Army Corps. Of Engineers representatives reviewed the proposal, as well as sand management issues, and discussed the various concerns of each entity relative to Southport Harbor.

Frank Rice raised the point of order that the agenda this evening was for Conservation Commission matters, and not Inland Wetland Agency agenda matters. Milan Bull noted that the Conservation Commission addresses species other than shellfish, such as plant, bird and fish species. If there is a proposal that may have an impact on these species, including noted State threatened species, such as piping plover, etc., and there are species of conservation concern that the Commission should have interest in then the Commission should address that. Joan Neiley agreed that the Conservation Commission should address these issues. Stanton Lesser suggested that more thought should be given to this matter, and perhaps the Commission should give more consideration to submitting its comments. Stanton Lesser expressed his concern for the Staff's current workload, and the limited personnel resources that exist. Chairman Lesser reiterated the vote that the Commission take no further action on this matter.

Vote on the motion: **In Favor:** Frank Rice, Kevin Gumpper; Stanton Lesser; Catherine O'Donnell; and Kathleen Maxham. **Opposed:** Milan Bull and Joan Neiley. *Motion carries 5-2.* It was the consensus of the Commission that Milan Bull is appointed as the Conservation Commission representative to meet with the working committee of the Harbor Management Commission for continued review of this proposal and discussion on any issues. Mary von Conta agreed that the input of the Conservation Commission on this working group would be helpful.

IV. OTHER:

- A. Conservation Department Website Statistics: Informational.
- B. Fairfield Citizen News October 25, 2011 Article Re: Lake Mohegan Open Space: Informational.
- C. CT DEEP OLISP, State of Connecticut Council on Environmental Quality Draft Recommendations For Legislation – November 10, 2011: Informational.

V. ADJOURNMENT:

There being no further business to come before the Commission, Frank Rice *moved* and Kathleen Maxham *seconded* to adjourn at 8:17 p.m. *Motion passed unanimously.*

Respectfully submitted,
Betty Gabriel