

**CONSERVATION COMMISSION
FAIRFIELD, CONNECTICUT
MINUTES OF CONSERVATION MEETING
DECEMBER 15, 2011**

The Conservation Commission of the Town of Fairfield held a meeting on December 15, 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; Frank Rice; Catherine O'Donnell; and Kathleen Maxham. **ALTERNATES:** Elizabeth Jones. **ABSENT:** Milan Bull, Vice Chairman; Joan Neiley; Kevin Gumpper, Secretary; Douglas Jones and Philip DiGennaro, Jr. Also Present: Thomas Steinke, Conservation Director; Edward Jones, Open Space Manager; and members of the public.

I. CALL TO ORDER: The meeting was called to order at 7:30 p.m. by Stanton Lesser.

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

III. CONSERVATION:

A. Bills and Communications:

1. Approval of Conservation Commission Special Meeting Minutes of December 1, 2011: Kathleen Maxham *moved*, and Catherine O'Donnell *seconded* to approve the Conservation Commission Special Meeting Minutes of December 1, 2011, with the following revisions:

Page two: subparagraph V.B: DEP-certified is revised to read "DEEP-certified".

Page three: subparagraph V.C is revised to include "Commissioner Frank Rice raised the point of order that the agenda this evening was for Conservation Commission matters, and not Inland Wetland Agency agenda matters."

Motion passed unanimously.

2. Approval of Secretary's Bill for December 1, 2011: Kathleen Maxham *moved*, and Catherine O'Donnell *seconded* to approve the Secretary's Bill for December 1, 2011. *Motion passed unanimously.*

IV. OLD BUSINESS:

A. Proposed Land Acquisition – Connecticut Department of Transportation Surplus Property – 2021 Cross Highway – Status: Thomas Steinke advised the Commission that the Town of Fairfield is still awaiting approval from the State of Connecticut DOT so that it may access the site to have an environmental assessment conducted.

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

B. Proposed Acquisition of Open Space Property on the Corner of Vermont Avenue and Kings Highway – Status: Thomas Steinke advised the Commission that the RTM had voted to decline acceptance of this parcel offer. Mr. Steinke also noted that he will follow up with First Selectman Michael Tetreau to determine whether future efforts will be made to acquire the parcel, and that he was recommending approval as it would be beneficial to the neighborhood residents.

C. CT DEEP-OLISP, Application No. 200400010-TS of the Town of Fairfield Harbor Management Commission – Working Group on Proposed Marina Dredging and Dock Renovations at the Lower Wharf and Ye Yacht Yard (status): Thomas Steinke advised the Commission that the working group (consisting of various representatives from the Shellfish, Conservation, and Harbor Management Commissions) had met on two occasions to discuss outstanding issues relative to the activities proposed by the Harbor Management Commission. Milan Bull was unable to attend the work sessions. Mr. Steinke will continue to keep the Commission apprised in this matter.

V. NEW BUSINESS:

A. 185 Thorpe Street Proposed Development and Open Space Encroachment: Thomas Steinke provided the Commission with a description of the encroachment by the property owner on the Town open space area. The Commission acknowledged correspondence from counsel for the current property owner, who is alleging that a prior owner was responsible for the encroachment, which includes pavement on the Town's property, fencing, and incidental storage of contractor's equipment and building materials. Mr. Steinke also indicated that the soil testing should be conducted to determine whether there is contaminated soil, as the Town property may have been affected by the industrial uses on the neighboring property, which was the site for the old Fairfield Lumber Company. It is also possible that contaminated material and debris from a fire at the lumber company may have been dumped onto the Town property. The current owner is proposing to construct a sixty-five unit condominium complex on its property, and although it had previously intended to undertake efforts to restore the encroachment onto the Town's property, it is no longer including such restoration in its current plans. Following discussion, Kathleen Maxham *moved*, and Frank Rice *seconded* to refer this matter to Town Attorney for resolution. *Motion passed unanimously.*

B. Conservation Commission Review of Non-Regulatory Matters of Conservation Relevance: This matter will be placed upon a future agenda for discussion.

VI. OTHER:

A. Conservation Department Website Statistics: Informational.

B. Remediation Of The Former Exide Battery Site: Thomas Steinke advised the Commission that he had recently attended a meeting with Exide representatives, Stanton Lesser, First Selectman Michael Tetreau, and State of Connecticut DEEP representatives in which Exide indicated that it has reached a tentative agreement with the CT DEEP to begin remediation activities of the Mill River. Exide will be providing the Commission with a presentation at its January 19, 2012 meeting to review its remediation plan. Representatives from the CT DEEP will also be available to discuss the remediation plan and to answer any questions. A public notice will be published in the newspaper so that the public is aware of this presentation, and can participate in the question and answer format. Stanton Lesser noted his disappointment that the remediation efforts at the Superior Plating factory may not be conducted simultaneously. Mr. Steinke noted that the CT DEEP will be conducting two additional meetings, one of which will be held to review the concerns of the surrounding riparian neighbors, and the other will be a formal DEEP public hearing.

VII. ADJOURNMENT:

There being no further business to come before the Commission, Elizabeth Jones *moved* and Kathleen Maxham *seconded* to adjourn at 7:56 p.m. *Motion passed unanimously.*

Respectfully submitted,
Betty Gabriel