

**CONSERVATION COMMISSION
FAIRFIELD, CONNECTICUT
MINUTES OF CONSERVATION MEETING
FEBRUARY 16, 2012**

The Conservation Commission of the Town of Fairfield held a meeting on February 16, 2012, 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; Kevin Gumpper, Secretary; Frank Rice; Joan Neiley; Catherine O'Donnell; and Kathleen Maxham. **ALTERNATES:** Elizabeth Jones. *Note: Two vacancies.* Also Present: Thomas Steinke, Conservation Director; Edward Jones, Wetlands Compliance Officer/Open Space Manager; Annette Jacobson, Conservation Administrator; William Hurley, Engineering Department; Fairfield Police Department representatives: Gary MacNamara, Police Chief, Joshua S. Zabin, Captain, and Keith Broderick, Lieutenant; and members of the public and press.

I. CALL TO ORDER: The meeting was called to order at 7:31 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 Meeting Minutes of January 19, 2012: Elizabeth Jones *moved*, and Catherine O'Donnell *seconded* to approve the Conservation Commission Meeting Minutes of January 19, 2012. *Motion passed unanimously.*

2. Approval of Secretary's Bill for January 19, 2012: Elizabeth Jones *moved*, and Catherine O'Donnell *seconded* to approve the Secretary's Bill for January 19, 2012. *Motion passed unanimously.*

Kevin Gumpper arrived at 7:34 p.m. during discussion on the following matter:

IV. OLD BUSINESS:

A. Proposed 2012-2013 Budget: Thomas Steinke advised the Commission that the 2012-2013 budget request of the Conservation Commission was recently revised by the First Selectman. The request of the Conservation Commission represents a .83 increase from the 2011-12 approved budget. Mr. Steinke further noted that the mosquito control project has been postponed by the State of Connecticut, following a reprioritization of projects due to tropical storm Irene. Chairman Lesser recommended pursuing funds for a new recording/PA system in order to provide improved sound capabilities at public meetings.

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

Joan Neiley arrived at 7:35 p.m. during discussion on the following matter:

B. Proposed Land Acquisition – Connecticut Department of Transportation Surplus Property – 2021 Cross Highway: Thomas Steinke provided the Commission with a brief description of the property which consists of 1.19 acres, noting that the foundations and well are still on the site. Mr. Steinke further indicated that soil and water samples were taken and found to be satisfactory. The CT DOT had originally acquired the property for the development of the Merritt Parkway, and should the Town of Fairfield elect to acquire this parcel there would be restrictions imposed whereby the Town must use the property for open space purposes, and any transfer of ownership or leasing of the property would result in the property being reverted to the State of Connecticut. The Town of Fairfield would be responsible for paying the State of Connecticut conveyance tax fees (approximately \$1,000.00) in the event it acquires the parcel. Following discussion, Kevin Gumper *moved*, and Joan Neiley *seconded* to endorse the proposal for the Town of Fairfield's acquisition of this property, to be used as open space. *Motion passed unanimously.*

Milan Bull arrived at 7:40 p.m.

C. Hoyden's Hill Open Space Barn Grant Application: Thomas Steinke advised the Commission that the efforts to obtain grant funds are moving forward. Several photos depicting the structural issues were submitted with the grant application. The Conservation Department will likely receive a response to its application at the end of March. If funds are awarded under this grant, then the Town would have three months to hire a contractor to perform the repairs; the contractor would then have nine months to complete the repairs. Mr. Steinke advised the Commission that endorsements have been obtained from local representatives as well as the Town of Fairfield Historical Commission.

D. 185 Thorpe Street Proposed Development and Open Space Encroachment: Thomas Steinke advised the Commission that he is continuing to communicate with the Assistant Town Attorney on this matter, and will keep the Commission apprised.

V. NEW BUSINESS:

A. Proposed American Chestnut Plantings by the Fairfield Garden Club on Open Spaces Areas – Presentation by Sandra Anagnostakis, Connecticut Agricultural Experiment Station: Dr. Sandra Anagnostakis of the Connecticut Agricultural Experiment Station and several members of the Fairfield Garden Club were present this evening seeking approval to plant 10 American Chestnut trees on ten Town Open Space areas, for a total of 100 trees. Dr. Anagnostakis provided the Commission with a brief history of how there was a significant loss of these trees in the 20th century due to the introduction in 1904 of a disease which had originated in Asia. Dr. Anagnostakis noted her efforts over the past forty years for the cultivation of disease resistant American Chestnut trees, which were at one time a dominant species reaching heights of 80', and a considerable timber source as well as utilized by wildlife species. Barbara Geddes Wooten of the Fairfield Garden Club stated that this effort was in commemoration of the Garden Club of America's one hundredth anniversary in 2013. Ms. Wooten

also provided information concerning the efforts to reintroduce these trees, and noted that the Fairfield Garden Club will coordinate the actual planting of the trees. In addition to reviewing the various locations considered as planting sites, soil testing had been conducted to ensure suitable conditions to maximize chances for tree survival. Volunteers are welcome to assist with the planting efforts. Open Space Manager Edward Jones and Tree Warden Kenneth Placko will also provide assistance in coordinating this project. Deer enclosures will be constructed to protect the trees. Once planted, Dr. Anagnostakies will continue to monitor the trees and will periodically provide status reports to the Conservation Commission concerning health and survival of the plantings. Following discussion, Kevin Gumpper *moved*, and Joan Neiley *seconded* to approve the plantings on the Town Open Space areas as presented. *Motion passed unanimously*. The Commission thanked Dr. Anagnostakies and the Fairfield Garden Club for its efforts and donation of the trees for the Town Open Spaces.

B. Proposed Increased Scheduling and Renovations to the Police Shooting Range on Hoyden's Hill Open Space Area: Police Chief Gary MacNamara, Lieutenant Keith Broderick, and Captain Joshua Zabin were present this evening to request Commission approval for renovations to the James V. Cavanaugh Firing Range at Hoyden's Hill Open Space, and to request utilization of the range for ten additional days (beyond the current approved 15 days). William Hurley of the Town Engineering Department provided the Commission with a description of the proposed maintenance renovations, which include extension and reconstruction of the existing berm, construction of wing-walls, additional plantings, and diversion swales for improved drainage. Chief MacNamara discussed the efforts undertaken to ensure public safety, which includes notification to neighbors and interested parties by the Conservation Department Staff, signage, and blocking off of the area. It was noted that the closest residence is approximately 200 yards from the shooting range. No shooting is conducted during the evening or on weekends. Chief MacNamara also noted he was aware of Conservation concerns to avoid utilization of the range during wildlife breeding and nesting periods in order to protect the various wildlife species present at the site, and further indicated that the police department is willing to clean up the debris at the site. Following inquiry concerning the presence of lead due to the twenty-year use as a shooting range, William Hurley indicated that wherever feasible, the obvious loose lead debris would be removed during the reconstruction of the berm. The police department no longer uses ammunition containing lead. Members of the public were also present this evening; many expressed concern for notification and advance scheduling. Open Space Manager Edward Jones indicated that Conservation Department Staff provides range use notification to all neighbors and members of the public that have requested the same. Mr. Jones noted that any member of the public who wishes to be added to the notification list should contact the department. Notification by e-mail is preferred in order to reduce postage costs for the Town of Fairfield. Commissioner Frank Rice noted that when he has visited the site with his walking group during scheduled range use, he found the area to have sufficient signage and was well protected. Thomas Steinke provided the Commission with a description of the site, noting that the berm has eroded and should be reconstructed. Mr. Steinke indicated that the wing-walls were a good idea to protect open space visitors, noted the importance of avoiding the breeding/nesting season; and requested a more formal plan containing details of the proposed activities. William Hurley agreed to provide the detailed plan information to Conservation

Staff. The police department will attempt to improve public communication regarding range use by establishing an advance schedule, and when available, the schedule will be placed upon the Town website. Notification will also be posted at the kiosk. Following considerable discussion on this matter, Kevin Gumper *moved*, and Joan Neiley *seconded* to approve the reconstruction of the range, with the understanding that the Engineering Department and Conservation Department would work out the plan details. *Motion passed unanimously*. Milan Bull *moved*, and Joan Neiley *seconded* to approve the request of the Fairfield Police Department to utilize the shooting range for an additional ten days, for a total of twenty-five days annually, with the understanding that the proper notification must be provided, the details of which would be coordinated through the Conservation Department. *Motion passed unanimously*.

C. CT DEEP OLISP COP Application of Bradley Jack for Proposed Riprap Revetment, Retaining Wall, Seawall, Seawall and Terrace Area Repair at 1155 Sasco Hill Road, Fairfield: Thomas Steinke provided the Commission with a description of the proposed activities, noting that this revised COP application was required by the State DEEP as a result of additional tidal wetlands being created at the site subsequent to the prior approval received by the applicant for similar activities. The proposal includes the removal of a deteriorated concrete wall which is approximately 800-1,000 feet in length. The proposed revetment will be approximately five-feet lower than the existing stone wall. Mr. Steinke noted that this proposal did not include measures which were provided for in the initial application, which would protect the adjacent Town property, including the concession stand. Mr. Steinke indicated that he has been in communication with the Applicant's engineer concerning this omission and was advised that those activities for protection of the adjacent Town property would be set forth in a supplemental plan to be submitted to the State DEEP. Mr. Steinke further indicated that he recommends endorsement of this project by the Conservation Commission, with the condition that the activities necessary for the protection of the Town of Fairfield property be required. Following discussion, Milan Bull *moved*, and Kevin Gumper *seconded* to recommend approval of this project, as recommended by Conservation Staff. *Motion passed unanimously*.

D. Advisory Conservation Comments to the Town Plan and Zoning Commission for Condominium Development at 130 Fairchild Avenue, Fairfield: Annette Jacobson advised the Commission that the proposal includes the development of a multi-unit condominium complex at 130 Fairchild Avenue. Ms. Jacobson noted that an inspection of the property revealed a significant amount of debris which includes many automobile parts and trash which had been discarded along the bank and river. This site is located within the Ash Creek/Rooster River watershed, which has been targeted for habitat and water quality protection and improvement, as set forth in the Conservation Commission's Multiple Use Management Plan for Coastal Open Space. Annette Jacobson advised the Commission that Staff has recommended plan revisions to provide environmental protection and enhancement of this site, which would include the requirement of the Applicant to remove the debris, including the automobile parts, and for removal of the fill along the slope, re-grading the residual slope, and for the planting of native species. The Commission acknowledged receipt of a February 13, 2012 letter by counsel for the Applicant, Attorney John Fallon, which noted concerns by the

Applicant's engineer and soil scientist that removal of the fill along the slope could result in destabilization of the bank. That letter also noted concern that such an activity below the high tide line may require a DEEP permit. Commissioner Milan Bull noted that removal of the car chassis from the site would likely disturb the integrity of the bank. Thomas Steinke indicated that it was feasible that the applicant could remove the debris, and where necessary apply topsoil and re-grade any depressions. The Commission noted that the applicant's proposal included vegetation removal of invasive species and the re-planting of native species. The applicant's proposal also included the provision for public access along the bank of the river and walking trail. Following discussion, Milan Bull *moved*, and Joan Neiley *seconded* to recommend that the Applicant be required to remove all foreign matter and debris, including the automobile chassis and parts, tires, and other trash from the site, and that it re-grade with topsoil, loam and re-plant where necessary. *Motion passed unanimously.*

VI. OTHER:

A. Connecticut Association of Conservation and Inland Wetlands Commissions, Inc. Newsletter, *The Habitat*, Winter of 2011: Informational.

B. Conservation Department Web Site Statistics: Informational/None presented.

VII. ADJOURNMENT:

There being no further business to come before the Commission, Kevin Gumper *moved* and Milan Bull *seconded* to adjourn at 8:58 p.m. *Motion passed unanimously.*

Respectfully submitted,
Betty Gabriel