

**CONSERVATION COMMISSION
FAIRFIELD, CONNECTICUT
MINUTES OF CONSERVATION COMMISSION SPECIAL MEETING
APRIL 5, 2012**

The Conservation Commission of the Town of Fairfield held a Special Meeting on April 5, 2012 in Meeting Room II of the Honorable John J. Sullivan Independence Hall, 725 Old Post Road, Fairfield, CT.

MEMBERS PRESENT: Milan Bull, Vice Chairman; Kevin Gumper, Secretary; Frank Rice; and Kathleen Maxham. **ALTERNATES:** Elizabeth Jones. **ABSENT:** Catherine O'Donnell and Joan Neiley. *Note – two vacancies, One Full Member and Two Alternates.* Also Present: Thomas J. Steinke, Conservation Director; Annette Jacobson, Conservation Administrator; Edward Jones, Wetlands Compliance Officer/Open Space Manager; Harbor Management Commission representatives: Mary von Conta, Chairman, Nelson North, Vice Chairman, and Geoffrey Steadman, Consultant, and members of the public and press.

CALL TO ORDER: The meeting was called to order at 8:05 p.m. by Acting Chairman Milan Bull.

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

I. CONSERVATION

II. BILLS AND COMMUNICATIONS

A. Election of Conservation Commission Officers (Due to Resignation):

Kathleen Maxham *moved*, and Frank Rice *seconded* to nominate the following slate of officers:

Chairman: Kevin Gumper; Vice Chairman: Milan Bull; Secretary: Catherine O'Donnell.

There were no further nominations. Vote on the slate of officers: *Motion passed unanimously.* Kevin Gumper chaired the remainder of the meeting.

III. OLD BUSINESS

A. Revised Plans for 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 (Comment Period Deadline of April 19, 2012): Milan Bull advised the Commission that this item is on the agenda tonight because he believes that this DEEP application deserves more attention due to the fact that, in addition to the shellfish, there are species of concern using/ inhabiting the subject area such as fish, birds, and

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terrapins. Protection of the natural resources of the area is under the jurisdiction of the Conservation Commission. Thomas Steinke advised the Commission that this application has been under review by the DEEP for some time, and has had various revisions. The recent plan revisions involve activities that fall under a structures and dredging permit and do not provide for a public hearing. The State of CT DEEP has issued a notice of tentative determination to approve the plan, as revised, that provides for a comment deadline of April 19, 2012. Mr. Steinke noted that the sampling reported by the applicant was not sufficient in that it is not representative of the natural resources existing at the site, and that a benthic survey of the sub-tidal area proposed to be dredged should be conducted. Mr. Steinke indicated that this information is necessary to make a determination that there will not be a significant loss of a valuable natural resource. CT DEEP records were reviewed, and Mr. Steinke could not find any evidence to document that this particular area had been previously dredged; an area not previously dredged is expected to be much more ecologically productive than a previously-dredged area. Mr. Steinke further indicated that it would appear that the CT DEEP may be relying on incomplete or inaccurate data when it issued the notice of tentative determination to approve the application, since if it was aware that this particular area had not been previously dredged their concerns would be much greater. Milan Bull noted that the general area contains endangered plant species/state listed species of concern, but was not aware of how the project may impact those species. Following Thomas Steinke's description of the activities that had occurred at the site, as well as the existing conditions and need for proper planning and need for maintenance in order to protect the natural resources existing at the site, Kevin Gumper noted his objection – and indicated that the Harbor Management Commission has the job of overseeing the harbor. Milan Bull disagreed with Mr. Gumper, noting that certain activities occurring in the harbor may impact the natural resources.

Geoffrey Steadman, Consultant for the Harbor Management Commission (HMC) was present this evening. Mr. Steadman provided the Commission with a brief history of the project and description of the proposed activities. Mr. Steadman noted that William Kenny Associates did conduct a survey of the environmental conditions and extent of the inter-tidal flats, but as Mr. Steinke previously indicated, it was not a benthic study. Mr. Steadman also noted that the study conformed to what the DEEP had required. Mr. Steinke advised the Commission that he had found communications from the CT DEEP to the HMC Chair requiring that a benthic survey be conducted; Mary von Conta and Geoffrey Steadman did not recall such a communication or requirement. Mary von Conta and Nelson North spoke on behalf of the entire HMC, and noted the important public access provided by this project. Nelson North also noted that the Town Fire and Safety personnel will be utilizing the ramp for safety/rescue situations.

Following discussion, Frank Rice *moved*, and Milan Bull *seconded* to endorse Thomas Steinke's March 30, 2012 report and recommendations (that further studies be conducted, and for consideration of alternatives), and to direct Conservation Staff to submit the report to the CT DEEP. **In Favor:** Frank Rice. **Opposed:** Kevin Gumper, Kathleen Maxham, Elizabeth Jones. **Abstention:** Milan Bull. *Motion fails 1-3-1.*

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Frank Rice advised the Commission that he has read the Staff report and agrees that there are many issues that need to be looked at, and noted that he would like to have Thomas Steinke's comments sent to the CT DEEP. Kevin Gumpper indicated that he would not vote to recommend that the State DEEP deny what another Town body has done, that the HMC has spent a lot of time on this project, and that the Conservation Commission should not "rain on their parade". Milan Bull noted that the Shellfish Commission will likely be issuing its comments to the CT DEEP, and suggested that the Commission may elect to make no comment to the CT DEEP. Following considerable discussion, it was the consensus of the Commission that it would not submit comments to the CT DEEP in this matter, and no further motions were made. Milan Bull again noted that he would like the Commission to speak for all of the Conservation resources, that there are many other organisms that use our natural resources.

IV. NEW BUSINESS:

A. Long Island Sound Futures Fund – Grant Application For Coastal Interpretive Panels – Application Submission Deadline of April 9, 2012: Geoffrey Steadman advised the Commission that he became aware of this grant program a few years ago when he had provided assistance to another Town. Mr. Steadman noted that funds (up to a maximum of \$10k) may be available for the Town of Fairfield to have signs prepared for three of the Town open spaces- with each panel costing approximately \$3,300.00; the funds should cover everything but the installation. Following discussion, Kathleen Maxham *moved*, and Elizabeth Jones *seconded* to have the Conservation Commission endorse the proposal of Geoffrey Steadman to prepare and submit an application for the grant funds in an amount not to exceed \$10,000.00. *Motion passed unanimously.*

SUPPLEMENTAL AGENDA:

I. OLD BUSINESS

A. Proposed 2012-2013 Conservation Commission Budget Request: Thomas Steinke advised the Commission that the Board of Finance had approved the proposed budget request, although the fuel and communications accounts had been reduced slightly. Mr. Steinke advised the Commission that the Town Charter does provide for an appeal process should the Conservation Commission wish to appeal the Board of Finance decision, although he did not recommend that the Commission do so.

ADJOURNMENT: There being no further business to come before the Commission, Milan Bull *moved* and Elizabeth Jones *seconded* to adjourn at 9:00 p.m. *Motion passed unanimously.*

Respectfully submitted,
Betty Gabriel