

**CONSERVATION COMMISSION
FAIRFIELD, CONNECTICUT
MINUTES OF SPECIAL CONSERVATION MEETING
October 4, 2012**

The Conservation Commission of the Town of Fairfield held a special meeting on October 4, 2012 in Meeting Room II, Second Floor Conference Room, John J. Sullivan Independence Hall, 725 Old Post Road, Fairfield, CT.

MEMBERS PRESENT: Kevin Gumpper, Chairman; Milan Bull, Vice Chairman; Catherine O'Donnell, Secretary; Frank Rice, Elizabeth Jones, and Richard Santalesa. **ALTERNATES:** Letitia Ferguson, Felicia B. Watson, and Sam Boyarsky . Also Present: Thomas Steinke, Conservation Director, Annette Jacobson, Conservation Administrator, Edward Jones, Wetlands Compliance Officer/Open Space Manager, and members of the public and press.

MEMBERS ABSENT: Kate Maxham

CALL TO ORDER: The meeting was called to order at 7:58 p.m. by Kevin Gumpper.

APPOINTMENT OF ALTERNATES: Letitia Ferguson was appointed to sit as a full member.

I. CONSERVATION:

A. Bills and Communications:

1. Approval of Conservation Commission ~~Special~~ Meeting Minutes August 16, 2011: Elizabeth Jones *moved*, and Frank Rice *seconded* to approve the August 16, 2012 meeting minutes. *Motion passed*, Catherine O'Donnell and Letitia Ferguson *abstaining*.
2. Request of Ms. Joan I. Rasmussen to be heard at the October 18, 2012 Conservation Commission Meeting concerning dogs at Lake Mohegan Open Space Area: Frank Rice *moved*, and Milan Bull *seconded* to approve Ms. Joan I. Rasmussen request to be heard at the October 18, 2012 Conservation Commission Meeting. *Motion passed unanimously*.

II. OLD BUSINESS

A. Proposed Mill River Remediation at the former Exide Battery Site, 2190 Post Road, Fairfield, CT/Superior Plating.

1. August 9, 2012 correspondence from Attorney John Fallon to Conservation Commission/Inland Wetlands Agency: As to the letter referred to in Attorney Fallon's correspondence, Thomas Steinke apologized for not including his correspondence of July to the DEP in the meeting agenda package. Thomas Steinke referenced enlarged 1960's aerial photos that showed the outflow plumes from the Post Road storm sewer and the railroad storm sewer. The DEP is reviewing the matter with Exide and they are taking a more careful look at the issue. Elizabeth Jones asked where the data referred to in the November 3, 2004 Zimmerman memo to former First Selectman Ken Flatto was located. Thomas Steinke felt they were in Exide files and the DEEP files: there is a 7 -year retainage of samples by law. Elizabeth Jones asked what was the

most recent testing and Thomas Steinke replied that testing continued up to 2-years ago. Kevin Gumper suggested that the DEEP and Exide were working on the issue and the Commission didn't need to take any action at this time.

Thomas Steinke and Frank Rice referred to the issue that only 30-feet of the 800-foot run of pipe had been examined by video camera due to blockage. Letitia Ferguson asked who owned the pipe and the response was the DOT-State of Connecticut; she asked was it the DOT's responsibility to clean the pipe and Thomas Steinke responded that Exide would be responsible just like the Post Road drain.

2. Addendum 1 (OI-1 & OI-6 Schedule Revision) Supplemental Remedial Action Plan for Outstanding Upland Issues.

B. CT DEEP-OLISP COP #201205449-TS issued to 185 Thorpe Street Corporation located at 185 Thorpe Street to Remove Historic Fill and Restore Tidal Wetlands.

Remediation activities on the Thorpe Street property did not include remediation of fill deposited on town open space. Thomas Steinke provided background on the filling activities performed by the previous owner; when the lumber company burned the resulting debris was pushed out into the marsh. They then put in a chemical treatment works that leached down into the town property, and underground storage tanks that leaked and contaminated the church property and town property. Previously a few years ago the owners indicated they were going to remediate their property and the neighboring properties. We have since been notified that the owners now will not be remediating the neighboring properties.

Thomas Steinke recommended that the issue be referred to the Town Attorney to pursue remediation and removal of fill on the town property before development and remediation gets to far along. Milan Bull *moved*, and Elizabeth Jones *seconded* to request that the Town Attorney investigate remediation of the town property as recommended by staff. *Motion passed unanimously.*

C. Black Rock Realty, LLC request to close the Conservation Open Space & Public Access Easement to facilitate Construction of a Residential Apartment Building at the formerly 21 Black Rock Turnpike, Kenard Street to Ash Creek – Tax Assessor's Map 80/Parcel 4A. Public Hearing held August 16, 2012

A letter from Attorney John Fallon representing Black Rock Realty, LLC requesting that this matter be withdrawn was received by the Conservation Department. The withdrawal was accepted by the Inland Wetland Agency

III. NEW BUSINESS

A. The League of Women Voters request to hold a Fairfield's Open Spaces Celebration at Lake Mohegan Open Space on October 21, 2012 or October 28, 2012 at 1:30: The League of Women Voters proposed holding a celebration of open space in Fairfield to include Audubon

representatives and a tour of the red trail with trees tagged by Alyssa Israel of the Forestry Committee. Frank added that there will be a table selling trail books.

There was discussion of the chestnut tree plantings and their survival.

The Commission approved the function by Consensus

B. Open Space Names (see attached).

1. CT-DOT Parcel at 2021 Cross Highway & Sturges Highway
2. Blanco Parcel (Edison Tax Services) at 2045 Hillside Road & Congress Street

Thomas Steinke referred to routing signs and the need to name the area in some physical or historic context.

Milan Bull *moved*, and Elizabeth Jones *seconded* to approve the open space names Mile Common Swamp Open Space Area and Ogden Farm Open Space Area respectively as recommended by staff. Motion passed unanimously.

C. Commission Comments for Website Update

Staff asked the commission if they had any suggestions and the Commission asked if staff had any suggestions. There was discussion about posting open space maps or some version of the trail guide. There seemed to be some problem with the graphics and possible file size. It was also noted that the current website was clumsy in locating the Conservation Commission/Inland Wetlands Agency. Letitia Ferguson volunteered to assemble some suggestions.

IV. OTHER

A. Conservation Department Web Site Statistics (FYI see attached).

Elizabeth Jones announced that the Annual Pumpkin Festival will be held at Greenfield Farm on Saturday, October 13. Frank will be there selling and signing open space trail books.

Chairman Gumpper announced Fairfield Restaurant Week

V. ADJOURNMENT

There being no further business to come before the Commission, Milan Bull *moved*, and Elizabeth Jones *seconded* to adjourn at 8:27 p.m. Motion passed unanimously.

Respectfully submitted,
Edward H. Jones, OSM/WCO