

**CONSERVATION COMMISSION
FAIRFIELD, CONNECTICUT
INLAND WETLANDS MEETING AGENDA**

Thursday, OCTOBER 7, 2010

7:30 P.M.

ALL PURPOSE ROOM

**OSBORN HILL SCHOOL
760 Stillson Road**

PLEASE NOTE TIME AND LOCATION

Stanton Lesser, Chairman (FM)	Milan Bull, Vice Chairman (FM)	Frank Rice, Secretary (FM)
Joan Neiley (FM)	Kate Maxham (FM)	J. Paul DeMarrais (FM)
Landon T. Storrs (FM)	Douglas Jones (A)	Elizabeth Jones (A)
Philip DiGennaro, Jr. (A)	FM = Full Member	A = Alternate Member

- I. CALL TO ORDER DECISION**
- II. APPOINTMENT OF ALTERNATES, if necessary.**
- III. BILLS AND COMMUNICATIONS**
- A. Approval of Minutes of meeting May 6, 2010 _____**
- B. Approval of Minutes of meeting August 5, 2010 _____**
- C. Approval of recording secretary's bill of August 5, 2010 _____**
- D. Approval of Minutes of Special meeting September 16, 2010 _____**
- E. Approval of recording secretary's bill of September 16, 2010 _____**
- F. REGULATIONS COMMITTEE—Frank Rice, Chairman.**

PLEASE NOTE!

This agenda does not reflect items received after the date the agenda was compiled. Please check with the Conservation Department for additional items which might have been added to a supplemental agenda after the mailing date.

NOTE: All members of the Inland Wetlands Agency are requested to notify the Conservation Department (256-3071) if they are unable to be present. A quorum is necessary to transact business, and your call will be appreciated.

IV. CLOSED SESSION FOR PERSONNEL MATTERS

(Requires vote to go into, and out of, closed session, and an invitation to staff, etc. to attend closed session.)

V. INLAND WETLANDS-LEGAL/ENFORCEMENT ACTION

1. DISCUSSION OF PENDING LEGAL ACTION(S) WITH TOWN ATTORNEY.

(Requires vote to go into, and out of, closed session, and an invitation to staff, etc. to attend closed session.)

2. Red 11, LLC v Conservation Commission, 1159 Redding Road- Memorandum of Decision regarding attorney's fees. See Attached.

3. Correspondence regarding Swann fill wetland soil and pipe watercourse Violation, 3007 Redding Road, Non-Completion of restoration work, Request for another "final" time extension. See Attached.

VI. INLAND WETLANDS DELIBERATIVE SESSION

A. NEW BUSINESS

1. IWP 2003-08, Black Rock Realty, LLC—Status report/Update by Redniss and Mead consultant on 3rd Train Station.

2. Public Hearing Procedures for Wetlands Agencies by Mark K. Branse, Esq. See Attached.-Informational.

3. Request for Release of Performance Bond:

Staff recommends approval of the following performance bond releases due to satisfactory completion of permit requirements—items a-l review conducted by permit compliance review consultant; item m review conducted by staff:

a. IWP 302, Lot 45, The Ridge Subdivision, 443 Brambley Hedge Circle; Final release of the bond in the amount of \$300.

b. IWP 83-10, Kelley subdivision, Lot 2, 181 Lakewood Drive; Final release of the bond in the amount of \$3,700.

c. IWP 83-30, Spector subdivision, Warner Hill Road, Final release of the in-common bond in the amount of \$1700.

d. IWP 84-4, Newman, et als, Eliot Place, Office Building, Final release of the bond in the amount of \$240.

- e. **IWP 84-22, Laufer, 24 Coventry Lane, Final release of the bond in the amount of \$555.**
- f. **IWP 85-26, Trinity Baptist Church, North Benson Rd.; Final release of the bond in the amount of \$100.**
- g. **IWP 85-30, In-common, Barbieri, Woodhouse Rd.; Final release of the bond in the amount of \$504.**
- h. **IWP 87-26, Autuori, 2700 Congress St.; Final release of the bond in the amount of \$500.**
- i. **IWP 88-40, Wellner subdivision, Lot 3, 84 Laurelbrook Lane; Final release of the bond in the amount of \$3,210.**
- j. **IWP 88-40, Wellner subdivision, Laurelbrook Lane; In-common work Final release of the bond in the amount of \$500.**
- k. **IWP 89-22, Aspetuck Falls Road, In-common work Final release of the bond in the amount of \$5000.**
- l. **IWP 96-5, Payne, Trustee, 2575 North Street, Lot 4, Final release of the bond in the amount of \$5285.**
- m. **IWP 2006-07-22, Steiner, Inc., Brighton View, Request of Walt Stapleton for Final release of the bond in the amount of \$1000.**

4. Request for Permit Time Extension:

- a. **IWPA 2004-11, Town of Fairfield, H. Smith Richardson Golf Course, 2425 Morehouse Highway and Hoydens Lane, Assessor's Map 67 Parcel 5**
Fill wetlands and modify drainage within a regulated area.
Request of Gerry Lombardo for the maximum (5-yr) extension (however this was modified to a 3-year extension—now modification to request elimination of condition).

Staff requests Tabling action on time extension pending on-going discussions w/permittee

5. Monthly wetland business update for the Agency. See Attached.

VII. NEW APPLICATIONS - Formal acceptance and start of 65 day legal time frame, determination of application significance, fee, and scheduling of public hearing, if necessary, and/or decision on the application.

1. IWPA 2010-11-02, Panigutti, 320 Pansy Road,
Assessor’s Map 123 Parcel 83
Construct new house within a regulated area.
As per PA 96-157 the Agency shall not hold a public hearing unless the proposal may have a significant impact on wetlands or a watercourse, or a proper petition is received, or a public hearing is in the public interest.
Application type per staff: Significant or Non-significant _____
Public Hearing petition received: Yes or No as of 9-28-10 _____
Petition period ends 10-21-10 _____
Is a public hearing in the public interest? _____
Last day for public hearing or decision is December 11, 2010.
Last regular meeting prior is December 2, 2010.

Staff recommends tabling pending legal notice and departmental review. _____

2. IWPA 2010-11-03, Rivera, 636 Mill Hill Road,
Assessor’s Map 228 Parcel 35
Construct new in-ground pool within a regulated area.
As per PA 96-157 the Agency shall not hold a public hearing unless the proposal may have a significant impact on wetlands or a watercourse, or a proper petition is received, or a public hearing is in the public interest.
Application type per staff: Significant or Non-significant _____
Public Hearing petition received: Yes or No as of 9-28-10 _____
Petition period ends 10-21-10 _____
Is a public hearing in the public interest? _____
Last day for public hearing or decision is December 11, 2010.
Last regular meeting prior is December 2, 2010.

Staff recommends tabling pending legal notice and departmental review. _____

VIII. PUBLIC HEARING

- IWPA 2010-11-01--Decision may be made if the hearing is completed, or the hearing may be continued. The public hearing original 35 day timeframe ends on November 11, 2010. Up to a 65-day extension may be provided by the applicant allowing continuation of the hearing to January 15, 2011. If the hearing is completed the decision shall be made within 35 days of the close of the hearing. Potential continuation date is November 4, 2010.

1. IWPA 2010-11-01, Fairfield Gateway, LLC, 4185 Black Rock Turnpike, (Plant Factory Site),
Assessor’s Map 118 Parcel 41
Demolish existing structures and Construct medical office buildings within a regulated area.

Staff recommends Approval with Conditions _____

- IX. OTHER
 - X. ADJOURNMENT
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