

**CONSERVATION COMMISSION
FAIRFIELD, CONNECTICUT
MINUTES OF INLAND WETLANDS AGENCY MEETING
APRIL 1, 2010**

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TOWN CLERK'S OFFICE
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The Conservation Commission, acting as the Inland Wetlands Agency of the Town of Fairfield held a meeting on April 1, 2010, in Meeting Room II of the Honorable John J. Sullivan Independence Hall, 725 Old Post Road, Fairfield, CT.

MEMBERS PRESENT: Stanton Lesser, Chairman; Frank Rice, Secretary; J. Paul DeMarrais and Kathleen Maxham. **ALTERNATES:** Elizabeth Jones; Philip DiGennaro, Jr., and Douglas Jones. **ABSENT:** Joan Neiley; Milan Bull, Vice Chairman; and Landon Storrs. Also Present: Thomas Steinke, Conservation Director; Annette Jacobson, Conservation Administrator; 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 Chairman Lesser.

II. APPOINTMENT OF ALTERNATES

Elizabeth Jones was appointed to sit as a full member.

J. Paul DeMarrais arrived at 7:34 p.m.

III. BILLS AND COMMUNICATIONS

A. Approval of Minutes of Meeting March 4, 2010: Kathleen Maxham moved and Elizabeth Jones seconded to approve the Minutes of Meeting March 4, 2010. Motion passed unanimously.

B. Approval of Recording Secretary's Bill of March 4, 2010: Kathleen Maxham moved and Elizabeth Jones seconded to approve the Recording Secretary's Bill of March 4, 2010. Motion passed unanimously.

Douglas Jones was appointed to sit as a full member upon his arrival at 7:34 p.m.

C. Appointment of Regulations Revisions Committee: Chairman Lesser indicated that all Commissioners would be appointed as members of this Committee until further notice, that Frank Rice would act as Chair, and would coordinate the scheduling of the Committee meetings. Attorney Joel Green volunteered to be a member of the Committee, and was appointed by Chairman Lesser. Mr. Lesser indicated that this Committee would study the current regulations to make a recommendation as to what changes, if any should be made. The Committee will consult with Conservation Staff concerning the regulations.

D. Recent Correspondence Regarding Need for Wetlands Compliance Officer: Correspondence was received from Attorney John Fallon and Attorney William J. Fitzpatrick, III, both of which were addressed to the Board of Finance to encourage reinstatement of the Wetlands Compliance Officer position to the Conservation Department. Annette Jacobson noted that the Board of Finance was reviewing the Conservation budget this evening.

**DRAFT MINUTES SUBJECT TO REVIEW, CORRECTION AND APPROVAL BY
THE INLAND WETLANDS AGENCY OF THE TOWN OF FAIRFIELD**

IV. INLAND WETLANDS – LEGAL/ENFORCEMENT ACTION

1. Conservation Commission v. DiMaria, 3737 North Street – Court Decision - Informational

V. INLAND WETLANDS DELIBERATIVE SESSION

A. OLD BUSINESS

1. IWPA 2009-10-08, Duarte, 274 Inwood Road; Assessor's Map 30, Parcel 182-Pool Renovations within a regulated area: Annette Jacobson provided the Agency with a description of proposed activities, noting that it was a straightforward project and Staff recommended approval. Kathleen Maxham *moved* and Elizabeth Jones *seconded* to approve the March 12, 2010 Staff Recommended Findings of Fact A through H, inclusive. *Motion passed unanimously.* Approving the Application, Kathleen Maxham *moved* and Elizabeth Jones *seconded* to approve the March 12, 2010 Staff Recommended Standard and Specific Conditions of Approval. *Motion passed unanimously.* A copy of the letter conveying the decision of the Agency is attached hereto as Exhibit A.
2. IWPA 2009-10-09, Town of Fairfield (Agent, Toll Brother's Inc.), 120 Acorn Lane; Assessor's Map 243, Parcel 230 – Excavate Detention Basin within a regulated area: Annette Jacobson advised the Agency that this application related to a 1993 inland wetland permit by Toll Brothers, which included the construction of a storm water detention basin; that detention basin had not been constructed to its proper size and this application was to allow the regulated activities to correct that error. The original permittee, Toll Brothers, Inc. would be performing the work, which was within the town easement on the property (which was the reason the Town of Fairfield was included as an applicant). Kathleen Maxham *moved* and Elizabeth Jones *seconded* to approve the March 19, 2010 Staff Recommended Findings of Fact A through H, inclusive. *Motion passed unanimously.* Approving the Application, Kathleen Maxham *moved* and Douglas *seconded* to approve the March 22, 2010 Staff Recommended Standard and Specific Conditions of Approval. *Motion passed unanimously.* A copy of the letter conveying the decision of the Agency is attached hereto as Exhibit B.
3. IWPA 2009-10-10, Byelas, 536 Mine Hill Road; Assessor's Map 173, Parcel 7- Demo and Rebuild House and Septic System within a regulated area: Annette Jacobson provided the Agency with a description of proposed activities, noting that the applicant would likely use the same driveway location. Douglas Jones *moved* and Elizabeth Jones *seconded* to approve the March 22, 2010 Staff Recommended Findings of Fact A through F, inclusive. *Motion passed unanimously.* Approving the Application, Kathleen Maxham *moved* and Elizabeth Jones *seconded* to approve the March 12, 2010 Staff Recommended Standard and Specific Conditions of Approval. *Motion passed unanimously.* A copy of the letter conveying the decision of the Agency is attached hereto as Exhibit C.

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4. IWPA 2009-10-11, Sperry and Mongenel, Pansy Road, East Side Just South of #220; Assessor's Map 123, Parcels 79 & 80 – Construct Two New Houses within a regulated area: J. Paul DeMarrais moved and Elizabeth Jones seconded to table this matter pending departmental review. Motion passed unanimously.

B. NEW BUSINESS

Philip DiGennaro, Jr. arrived at 7:43 p.m., during discussion on the following matter:

1. IWP 2003-08, Black Rock Realty, LLC – status report by Redniss and Mead, Consultant on 3rd Train Station: William Kenny was present this evening to provide the Agency with a status of this project. Mr. Kenny noted that there had not been any changes since his last report to the Agency, and that he continues to receive monitoring reports from Louriero Engineering concerning the DOT work on site. Mr. Kenny reported that although he does not go to the site regularly, he did visit the site today and did not find any adverse impacts as a result of the construction and staging activities currently being performed. Mr. Kenny indicated that he was of the understanding that his role as consultant for the Agency did not include overseeing the construction activities of the DOT, but only those which were to be performed by the private developer. There was question by some Agency members that the activities of the DOT were encompassed within the inland wetland permit, and the consultant should be overseeing those as well. Chairman Lesser requested that William Kenny obtain confirmation as to whether or not the DOT construction activities on the south side of the tracks fall under the Agency's jurisdiction and wetland permit and to provide the Agency with a written response to this question. Following inquiry, William Kenny indicated that although there is some stockpiling of materials related to the DOT portion of the project, there did not appear to be any permanent fill material excavated at this time, which is to be used for raising the parking lot, a requirement under the inland wetland permit prior to any construction activities. Mr. Kenny noted that the environmental consultant has strongly recommended to the applicant/developer that this material, which is part of the remediation activities required by the DEP be addressed in accordance with the permit.
2. Request for Permit Time Extension:
 - a. IWPA 2004-11, Town of Fairfield, H. Smith Richardson Golf Course; 2424 Morehouse Highway and Hoyden's 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 (modified to a 3 yr extension-now modification to request elimination of condition): Annette Jacobson indicated that Staff is continuing to meet with the Applicant to discuss alternative mitigation to the original permit; the Agency will give consideration to replacement mitigation once alternatives are provided. Douglas Jones moved and Elizabeth Jones seconded to table this matter pending on-going discussions between Staff and the Applicant. Motion passed unanimously.

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There being no further business to come before the Agency, Douglas Jones *moved* and Kathleen Maxham *seconded* to adjourn the meeting at 8:03 p.m. *Motion passed unanimously*

Respectfully submitted,
Betty Gabriel

DRAFT

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