

**CONSERVATION COMMISSION
FAIRFIELD, CONNECTICUT
MINUTES OF INLAND WETLANDS AGENCY MEETING
DECEMBER 2, 2010**

The Conservation Commission, acting as the Inland Wetlands Agency of the Town of Fairfield held a Meeting on December 2, 2010 in Meeting Room II of the Honorable John J. Sullivan Independence Hall, 725 Old Post Road, Fairfield, CT.

MEMBERS PRESENT: Stanton Lesser, Chairman; Milan Bull, Vice Chairman; Frank Rice, Secretary; Kathleen Maxham; and Kevin Gumpper. **ALTERNATES:** Elizabeth Jones and Philip DiGennaro, Jr. **ABSENT:** Landon Storrs; Joan Neiley; and Douglas Jones. Also Present: Thomas Steinke, Conservation Director; Annette Jacobson, Conservation Administrator; Edward Jones, WCO/Open Space Manager; and members of the public and press.

I. CALL TO ORDER

The meeting was called to order at 7:33 p.m. by Chairman Lesser.

II. APPOINTMENT OF ALTERNATES

Elizabeth Jones and Philip DiGennaro, Jr. were appointed to sit as full members.

Chairman Lesser noted the recent appointment of Kevin Gumpper to the Commission.

The Commission acknowledged the significant efforts of former Commissioner J. Paul DeMarrais.

III. BILLS AND COMMUNICATIONS

Kevin Gumpper recused himself on items III A and B:

- A. Approval of Minutes of Meeting November 4, 2010. Elizabeth Jones *moved* and Kathleen Maxham *seconded* to approve the meeting minutes of November 4, 2010 *Motion passed unanimously*.
- B. Approval of Recording Secretary's Bill of November 4, 2010: Kathleen Maxham *moved* and Elizabeth Jones *seconded* to approve the recording secretary's bill of November 4, 2010. *Motion passed unanimously*.
- C. Regulations Committee: Frank Rice reported that there is a Regulations Committee meeting scheduled for next Thursday, and noted that the agenda has been filed with the Town Clerk's office. Mr. Rice further indicated that Article I and Article II will be the subject of discussion at the meeting, and welcomed all Commissioners to attend. Stanton Lesser indicated that he will contact local attorneys to encourage their participation.
- D. Election of Officers: Kathleen Maxham *moved* and Elizabeth Jones *seconded* to nominate the current slate of officers for the upcoming year – Stanton Lesser as Chairman, Milan Bull as Vice Chairman, and Frank Rice as Secretary. There being no more nominations from the floor, *Motion passed unanimously*.

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

- E. Appointment of Commissioners: Re-Appointment of Stanton Lesser and appointment of Kevin Gumper: Appointments acknowledged.

IV. INLAND WETLANDS – LEGAL/ENFORCEMENT ACTION

1. CEASE AND CORRECT ORDER- SHOW CAUSE VIOLATION HEARING: New Way Associates, LLC and Dudics (Plant Factory Site) – Dual Track Processing, 4185 and 4267 Black Rock Turnpike, Fill wetland and watercourse within a regulated area. Applicant Proposes Alternative Mitigation In Lieu of Restoration: Annette Jacobson indicated that counsel for New Way Associates, LLC was unable to attend the hearing and has requested that this matter be continued. Kathleen Maxham *moved* and Frank Rice *seconded* to continue the hearing to January 6, 2011. *Motion passed unanimously.*

Elizabeth Jones recused herself on the following matter:

2. CEASE AND CORRECT ORDER – SHOW CAUSE VIOLATION HEARING – Taylor, 2940 Redding Road: Unauthorized excavation to deepen a watercourse and removal of wetland soil: The show cause violation hearing was started at 7:37 p.m. Following presentations by Edward Jones, Wetlands Compliance Officer/Open Space Manager; John Lambert, Attorney for James Taylor; Nick Niles, III of Sasco Landscaping, and James Taylor, it was the consensus of the Commission that it would like to continue the hearing to seek the legal opinion of the Town attorney, Richard Saxl. Attorney Joel Green was present in the audience and indicated that he represented Greenfield Hill Village Improvement Association, Marianne Ruscito, and Jeffrey Head. Mr. Green further indicated that he would file an intervention in this proceeding if the hearing was continued. Kathleen Maxham *moved* and Milan Bull *seconded* to continue the show cause violation hearing to January 6, 2011. *Motion passed unanimously.* The show cause violation hearing was stopped at 8:55 p.m. Following the hearing, it was confirmed that Staff and Commissioners could visit the site.

V. INLAND WETLANDS – DELIBERATIVE SESSION

A. OLD BUSINESS

1. IWP 2010-11-03, Rivera, 636 Mill Hill Road; Assessor's Map 228, Parcel 35: Construct new in-ground pool within a regulated area. Annette Jacobson provided the Commission with a brief description of the project, noting that the neighbors were also present this evening, as they had concerns for any impact that the construction may have on their hemlock trees. Ms. Jacobson also indicated that although Staff did not focus on the neighbor's trees since they were not located in wetland regulated area, the concerns were addressed in the plans by incorporating the use of steel plates. Following discussion, Kathleen Maxham *moved* and Milan Bull *seconded* to

approve the November 17, 2010 Staff Suggested Findings of Fact A through G, inclusive. Motion passed unanimously. Kathleen Maxham moved and Milan Bull seconded to approve the November 17, 2010 Staff recommended Specific Conditions 1 through 3, inclusive. Motion passed unanimously. Kathleen Maxham moved and Philip DiGennaro, Jr. seconded to approve the application, together with the Standard Conditions of Approval. Motion passed unanimously. A copy of the decision of the Agency is attached hereto as Exhibit A.

B. NEW BUSINESS

1. IWP 2003-08, Black Rock Realty, LLC – Status Report/Update by Redniss and Mead Consultant on Third Train Station – no representatives of Redniss and Mead were present this evening to provide a status report.
2. Annual Training of Commissioners, DEP DVD's from November Agenda, and CEQ Recommendations: Annette Jacobson advised the Commission that Staff had a training dvd available if they wished to review it. It was noted that the Commissioners each also received a copy with their recent agenda packet. Milan Bull indicated that he had made a recommendation that the CEQ provide more accessible regional training – Annette Jacobson will follow up on the status of Mr. Bull's request.
3. Schedule of 2011 Meeting Dates: Frank Rice moved and Elizabeth Jones seconded to adopt the draft 2011 meeting dates. Motion passed unanimously.
4. Request for Release of Performance Bond:
 - (a) IWP 2007-08-12, Country Club of Fairfield, Sasco Hill Road; Request of Walter Stapleton for final release of the bonds in the amounts of \$5,000.00 for irrigation and \$20,300.00 for mitigation. Staff Recommends final release of the \$5,000.00 (irrigation) bond, and partial release in the amount of \$19,300.00 (mitigation) bond. Elizabeth Jones moved and Frank Rice seconded to approve: (a) the request of Walter Stapleton for a final bond release of the irrigation bond (\$5,000.00); and (b) to approve a partial release of the mitigation bond in the amount of \$19,300.00, as recommended by Staff. Motion passed unanimously.
5. Requests for Permit Time Extension:
 - (a) IWP 2004-11, Town of Fairfield, H. Smith Richardson Golf Course, 2425 Morehouse Highway and Hoyden's Lane; Assessor's Map 67, Parcel 5: Fill wetlands and modify drainage within a regulated area. Request of Gerald Lombardo for the maximum (5-year) extension (however, this was modified to a three-year extension – now modification to request elimination of condition). Kathleen Maxham moved and Elizabeth Jones seconded to table this matter pending on-going discussions with Staff and the applicant. Motion passed unanimously.

6. Monthly Wetland Business Update For The Agency: Informational

SUPPLEMENTAL AGENDA:

I. NEW APPLICATION:

1. IWPA 2010-11-04, Hines, 561 Winnepog Drive; Assessor's Map 73, Parcel 182: Demolish Existing And Construct New House Within A Regulated Area: Philip DiGennaro, Jr. *moved* and Elizabeth Jones *seconded* to find the matter non-significant and to table the matter pending legal notice and departmental review. *Motion passed unanimously.*

VII. ADJOURNMENT

There being no further business to come before the Agency, Kathleen Maxham *moved* and Philip DiGennaro, Jr. *seconded* to adjourn the meeting at 9:05 p.m. *Motion passed unanimously*

Respectfully submitted,
Betty Gabriel