

**CONSERVATION COMMISSION  
FAIRFIELD, CONNECTICUT  
MINUTES OF INLAND WETLANDS AGENCY MEETING  
NOVEMBER 4, 2010**

The Conservation Commission, acting as the Inland Wetlands Agency of the Town of Fairfield held a Meeting on November 4, 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; Landon Storrs; and Kathleen Maxham. **ALTERNATES:** Elizabeth Jones; Douglas Jones, and Philip DiGennaro, Jr. **ABSENT:** J. Paul DeMarrais and Joan Neiley. Also Present: Thomas Steinke, Conservation Director; Annette Jacobson, Conservation Administrator; Edward Jones, Open Space Manager; and members of the public and press.

**I. CALL TO ORDER**

The meeting was called to order at 7:30 p.m. by Chairman Lesser.

**II. APPOINTMENT OF ALTERNATES**

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

**III. BILLS AND COMMUNICATIONS**

A. Approval of Minutes of Meeting October 7, 2010: Kathleen Maxham *moved* and Philip DiGennaro, Jr. *seconded* to approve the Meeting Minutes of October 7, 2010. *Motion passed unanimously.*

B. Approval of Secretary's Bill for October 7, 2010: Kathleen Maxham *moved* and Philip DiGennaro, Jr. *seconded* to approve the Secretary's Bill for October 7, 2010. *Motion passed unanimously.*

C. **REGULATIONS COMMITTEE:** Frank Rice, Committee Chairman: Mr. Rice reported that the Regulations Committee will not meet next Thursday since it is Veteran's day and Town Hall is closed. The Committee will meet again on December 9, 2010 and is scheduled to meet again the 2<sup>nd</sup> Thursday of the month in January and February 2011.

**IV. INLAND WETLANDS – LEGAL/ENFORCEMENT ACTION**

1. **SHOW CAUSE VIOLATION HEARING:** New Way Associates, Inc. and Dudics (Plant Factory Site) Dual Track Processing, 4185 & 4267 Black Rock Turnpike; Fill Wetland And Watercourse Within A Regulated Area. Applicant Proposes Alternative Mitigation In Lieu of Restoration. Chairman Lesser indicated that Attorney John Fallon had submitted a written request to continue the show cause violation hearing. Milan Bull *moved*, and Douglas Jones *seconded* to continue the hearing to December 2, 2010. *Motion passed unanimously.*

**DRAFT MINUTES SUBJECT TO REVIEW, CORRECTION AND APPROVAL BY  
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## V. INLAND WETLANDS DELIBERATIVE SESSION

### A. OLD BUSINESS

1. IWPA 2010-11-02, Panigutti, 320 Pansy Road; Assessor's Map 123, Parcel 83: Construct New House Within A Regulated Area: Annette Jacobson provided the Agency with a brief description of the proposal, noting that it was basically straightforward and that Staff was recommending approval with conditions. Landon Storrs noted that Conservation Staff had done great work in reviewing this proposal. Following discussion, Landon Storrs *moved*, and Milan Bull *seconded* to approve the Staff recommended Findings of Fact A through G, inclusive. *Motion passed unanimously*. Milan Bull *moved*, and Douglas Jones *seconded* to approve the Staff recommended Specific Conditions of Approval. *Motion passed unanimously*. Douglas Jones *moved*, and Philip DiGennaro, Jr *seconded* to approve the Staff recommended Standard Conditions of Approval. *Motion passed unanimously*. Kathleen Maxham *moved*, and Milan Bull *seconded* to approve the application. *Motion passed unanimously*. A copy of the letter conveying the decision of the Agency is attached hereto as Exhibit A.
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: Kathleen Maxham *moved*, and Landon Storrs *seconded* to table this matter to December 2, 2010. *Motion passed unanimously*.

### B. NEW BUSINESS

1. IWPA 2003-08, Black Rock Realty, LLC – Status Report/Update by Redniss and Mead, Consultant on 3<sup>rd</sup> Train Station: No representatives from Redniss and Mead were present this evening to provide a status report. Landon Storrs indicated that she had visited the site and had taken photographs. Ms. Storrs advised the Agency that she was impressed with what she had seen, noting that it was very organized and clean. Ms. Storrs asked the Agency if she could write something for the newspapers; the Agency consensually agreed.
2. FEE WAIVER REQUEST – Certificate of Wetlands Conformance (CWC 2010-11-26, Camarro, 1617 Jennings Road: Annette Jacobson advised the Agency that Staff had previously reviewed the site with regard to a Certificate of Wetlands Conformance that was processed for a sewer line, and at that time, the applicant did not advise Staff that it had intended to pursue an addition. Ms. Jacobson further advised the Agency that the applicant was now seeking a fee waiver for CWC 2010-11-26 which was taken for the addition, since it had previously paid application fees

when the sewer line certificate of wetlands conformance was processed. Elizabeth Jones and Kathleen Maxham noted their concern that a precedent could be set if the Agency approved the fee waiver request. Following discussion, Landon Storrs *moved*, and Douglas Jones *seconded* to reduce the certificate of wetlands conformance application fee from \$800.00 to \$320. In Favor: Stanton Lesser, Douglas Jones, Landon Storrs. Opposed: Milan Bull, Frank Rice, Kathleen Maxham, and Philip DiGennaro, Jr. *Motion fails 3-4.*

3. Request For Release of Performance Bond:

1. Request For Release of Performance Bond: Kathleen Maxham *moved* and Landon Storrs *seconded* to approve the following requests for release of performance bond(s) as recommended by Staff:
  - a. IWP 88-40, Wellner Subdivision, 84 Laurelbrook Lane, Lot 3, Tree Cutting Final Release of the Bond in the amount of \$1,000.00;
  - b. IWP 2008-09-16, Brooklawn Country Club, Algonquin Road, Request of Walt Stapleton for Final Releases Of the Bonds in the Amounts of \$5,000.00 for irrigation and \$16,300.00 for plantings – Staff Recommends Final Release of the \$5,000.00 irrigation bond and partial release in the amount \$15,000.00 of the \$16,300.00 bond for plantings.

*Motion passed unanimously.*

4. Requests For Permit Time Extension:

- a. IWPA 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-yr) extension – modified to a 3-year extension – now modification to request elimination of condition: Landon Storrs *moved*, and Douglas Jones *seconded* to table this matter pending on-going discussions between Staff and Applicant. *Motion passed unanimously.*
- b. IWP 2007-08-13, Swann, 3007 Redding Road: Construct Bridge, Driveway, Subsurface Sewage Disposal System and Wetland Fill Within A Regulated Area: Request of Joel Green, Esq., for a three year time extension: Annette Jacobson advised the Agency that Town Attorney had confirmed that the request for a permit time extension had been filed timely. Douglas Jones *moved*, and Kathleen Maxham *seconded* to approve the request for a permit time extension, with updated conditions. *Motion passed unanimously.*

5. Monthly Wetland Business Update For The Agency: Informational.

**SUPPLEMENTAL AGENDA:**

**III. INLAND WETLANDS DELIBERATIVE SESSION**

1. Consideration of Request for Fee Waiver by James Taylor for property at 2940 Redding Road. No Wetland Permit Application or Certificate of Wetlands Conformance, or Plan Submitted. The Request States the Waiver Is For a Septic System Repair. Annette Jacobson advised the Agency that it would be difficult for Staff to provide a recommendation concerning the fee waiver request since no plans or details had been submitted, and recommended that the matter be tabled until this information is received. Chairman Lesser indicated that it would be premature for the Agency to consider the fee waiver request until an application is filed, since the Agency does not know exactly what is being applied for or what it would be waiving without any plans or details, and that a motion to table the matter would not be in order.

**REGULAR AGENDA:**

**VI. OTHER**

1. Annual Inland Wetland Training – DVD for December Training Session and CEQ New Recommendations: Informational.
2. It's Your 911 Call. Your Environmental Toolkit For Assessing Development Proposals: Informational.
3. The Habitat Fall 2010: Informational
4. DEP Proposed Regulations For Water Flow: Frank Rice provided the Agency with a copy of a newspaper article concerning the DEP's streamflow regulations, noting that the proposed regulations had not been approved, and a new proposal will be drafted.

**VII. ADJOURNMENT**

There being no further business to come before the Inland Wetland Agency, Landon Storrs *moved*, and Milan Bull *seconded* to adjourn at 7:59 p.m. *Motion passed unanimously.*

Respectfully submitted,  
Betty Gabriel

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