

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

The Conservation Commission, acting as the Inland Wetlands Agency of the Town of Fairfield held a meeting on March 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; J. Paul DeMarras; Kathleen Maxham; Landon Storrs; and Joan Neiley. **ABSENT:** Elizabeth Jones; Philip DiGennaro, Jr. and Douglas Jones. 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 7:32 p.m. by Chairman Lesser.

**II. APPOINTMENT OF ALTERNATES**

No Alternates were present this evening.

**III. BILLS AND COMMUNICATIONS**

- A. Approval of Minutes of Meeting February 4, 2010: Joan Neiley *moved* and Kathleen Maxham *seconded* to approve the Meeting Minutes of February 4, 2010. *Motion passed unanimously.*
- B. Approval of Secretary's Bill for February 4, 2010: Kathleen Maxham *moved*, and Milan Bull *seconded* to approve the Secretary's Bill for February 4, 2010. *Motion passed unanimously.*

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

- 1. Red 11, LLC vs. Conservation Commission of the Town of Fairfield – 1159 Redding Road; Wetland and Watercourses Fill And Alteration – Appellate Court Decision Upholding Cease & Desist and Restoration Orders, as well as \$25,000.00 Civil Penalty and Attorney's Fees: The Agency acknowledged the Appellate Court decision upholding the cease and desist and restoration orders, \$25,000.00 civil penalty and attorney's fees issued in favor of the Town of Fairfield.

**V. INLAND WETLANDS-DELIBERATIVE SESSION**

**A. OLD BUSINESS**

- 1. Budget IWWC Fees – Chairman Lesser indicated that the inland wetland fees will be reviewed in conjunction with a committee to be appointed for a full review of the inland wetland and watercourses regulations of the Agency.

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

2. IWPA 2009-10-08, Duarte, 274 Inwood Road; Assessor's Map 30, Parcel 182 – Pool Renovation within a regulated area: Joan Neiley *moved*, and Milan Bull *seconded* to table this matter pending departmental review. *Motion passed unanimously.*

B. NEW BUSINESS

1. 2010 Municipal Inland Wetland Commissioner's Training Program: Informational. Chairman Lesser noted that this is a worthwhile program for Commissioners to attend.
2. Monthly wetland business update for the Agency: Informational.

**VI. STATUS OF APPLICATION PREVIOUSLY FILED**

1. 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 a maximum (5-yr) extension (modified to 3-year extension): Annette Jacobson indicated that Staff and the Applicant are having productive discussions concerning possible options with regard to the outstanding conditions; it is anticipated that this matter will be on the April agenda for review by the Agency.

**VII. NEW APPLICATION**

1. 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: Joan Neiley *moved*, and Landon Storrs *seconded* to find the matter non-significant and to table the matter pending legal notice and departmental review. *Motion passed unanimously.*

**VIII. PUBLIC HEARING**

1. IWPA 2009-10-06, Town of Fairfield, DPW, Pilgrim Lane, Colonial Drive, Myron Street, Jennings Beach Parking Lot (880 South Benson Road) \*\* Also Potential Mitigation Area Proposed to Enhance Tidal Marsh Detention Basin by Oyster Road, Clinton Street and Milton Street; Assessor's Map 131, Parcel 11 – Construction of drainage within a regulated area: The public hearing was re-opened at 7:37 p.m. Annette Jacobson read e-mail correspondence from the applicant requesting a withdrawal of the application. Following the close of the public hearing at 7:38 p.m., Milan Bull *moved*, and Joan Neiley *seconded* to accept the withdrawal of the application as requested by the applicant. *Motion passed unanimously.* The public hearing was recorded on tape and is available for review at the Conservation Department, 725 Old Post Road, Fairfield, CT.

## **SUPPLEMENTAL AGENDA**

### **I. NEW APPLICATIONS**

1. 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: Milan Bull *moved*, and Joan Neiley *seconded* to find the matter non-significant and to table the matter pending legal notice and departmental review. *Motion passed unanimously.*
2. 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: Kathleen Maxham *moved*, and Joan Neiley *seconded* to find the matter non-significant and to table the matter pending legal notice and departmental review. *Motion passed unanimously*

## **REGULAR AGENDA**

### **IX. OTHER**

1. Council on Environmental Quality Feb 2010 Checklist on Recommended Legislation to Remedy Connecticut's Biggest Environmental Deficiencies – Wetlands Training and Reporting. Informational.

The following matter was added by full consensus of the Inland Wetland Agency:

J. Paul DeMarrais arrived at 7:43 p.m., during discussion on the following item:

2. Discussion on Establishing a Committee to Review Regulations: Landon Storrs asked that the Chairman appoint a sub-committee to review the regulations, noting her preference that the sub-committee should consist of approximately three to five members. Chairman Lesser indicated that he would want a much larger sub-committee, and that input from developers, lawyers, and citizens should be included. Some Commissioners noted their concern that there could be scheduling problems when there is a committee with many members. Conservation Staff would attend the sub-committee meetings. Annette Jacobson reminded the Agency that the sub-committee will be required to prepare minutes and agendas regardless of how many members were appointed. The Agency and Conservation Staff will give consideration to this matter prior to the next meeting, including potential membership of the sub-committee; this matter will be placed upon the April meeting agenda.

There being no further business to come before the Agency, Joan Neiley *moved* and Kathleen Maxham *seconded* to adjourn the meeting at 7:48 p.m. *Motion passed unanimously*

Respectfully submitted,  
Betty Gabriel

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