

**CONSERVATION COMMISSION  
FAIRFIELD, CONNECTICUT  
MINUTES OF INLAND WETLAND AGENCY MEETING  
JANUARY 6, 2011**

The Conservation Commission, acting as the Inland Wetland Agency of the Town of Fairfield held a Meeting on January 6, 2011, 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; Joan Neiley; Kevin Gumper; and Kathleen Maxham. **ALTERNATES:** Douglas Jones; Elizabeth Jones; and Philip DiGennaro. **ABSENT:** 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 and press.

- 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.
- III. **BILLS AND COMMUNICATIONS:**

Chairman Lesser appointed Douglas Jones to sit as a full member upon Mr. Jones' arrival at 7:32 p.m., during discussion on the following matter:

- A. Approval of Minutes of Meeting December 2, 2010: Elizabeth Jones *moved* and Joan Neiley *seconded* to approve the meeting minutes of December 2, 2010 with the following revision: The vote in Item V. B. 4 is reworded as follows: "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.*"  
Vote on approval of December 2, 2010 Minutes, as revised: *Motion passed unanimously.*
- B. Approval of Recording Secretary's Bill of December 2, 2010: Kathleen Maxham *moved* and Joan Neiley *seconded* to approve the recording secretary's bill of December 2, 2010. *Motion passed unanimously.*
- C. **REGULATIONS COMMITTEE:** Frank Rice reported that there was no quorum at the November regulations committee meeting. Following discussion, it was the consensus that the regulations committee meetings will be conducted on the third Thursday of the month at 6:30 p.m. – prior to the regularly scheduled Conservation Commission meetings.

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

Elizabeth Jones recused herself on the following matter:

Kevin Gumper arrived at 8:15 p.m.; Philip DiGennaro, Jr. arrived at 8:25 p.m. – during discussion on the following matter:

**DRAFT MINUTES SUBJECT TO REVIEW, CORRECTION AND APPROVAL BY  
THE CONSERVATION COMMISSION OF THE TOWN OF FAIRFIELD**

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: The show cause violation hearing was re-opened at 7:40 p.m. following presentations by representatives for New Way Associates, Inc., including its consultant Michael Klein and Attorney John Fallon, and a presentation by Conservation Staff, Kevin Gumper *moved*, and Kathleen Maxham *seconded* to order that (1) all unauthorized activities cease on the site; (2) that the violations be corrected in accordance with the letter October 1, 2010 from Michael Klein; (3) that the Conservation Staff is allowed to perform monitoring on the site for a period of three years; and (4) that the \$5,000.00 performance bond previously posted in connection with the violation remain in place. *Motion passed unanimously.*

Elizabeth Jones recused herself on the following matter:

2. CEASE AND CORRECT ORDER – SHOW CAUSE VIOLATION HEARING – Taylor, 2940 Redding Road – Continued from December 2, 2010 – Unauthorized Excavation To Deepen A Watercourse And Removal Of Wetland Soil: At 8:48 p.m. the Show Cause Violation Hearing was opened and immediately continued at the written request of Mr. James Taylor. Douglas Jones *moved* and Joan Neiley *seconded* to continue the show cause violation hearing to March 3, 2011. *Motion passed unanimously.*

#### V. INLAND WETLANDS DELIBERATIVE SESSION:

Chairman Lesser noted that Elizabeth Jones would continue to sit as a full member at this time; Douglas Jones sat as an Alternate member for the remainder of the meeting. Philip DiGennaro, Jr. was appointed to sit as a full member.

#### A. OLD BUSINESS

1. IWPA 2020-11-04, Hines, 561 Winnepogo Drive; Assessor's Map 73, Parcel 182 – Demolish existing and construct new house within a regulated area: Annette Jacobson provided the Agency with a description of the proposed activities. Following discussion, Kathleen Maxham *moved* and Frank Rice *seconded* to approve the Staff Recommended Findings of Fact. *Motion passed unanimously.* Kathleen Maxham *moved* and Kevin Gumper *seconded* to approve the staff recommended standard and specific conditions of approval. *Motion passed unanimously.* Kathleen Maxham *moved* and Joan Neiley *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.

B. NEW BUSINESS

1. IWP 2003-08, Black Rock Realty, LLC – Status Report/Update by Redniss and Mead Consultant on 3<sup>rd</sup> Train Station. No report provided this evening.
2. 2010 Legislation and Regulations Advisory from DEP re: Public Act 10-85: Informational.
3. IWP 2010-11-03, Rivera, 636 Mill Hill Road – Assessor’s Map 228, Parcel 35 – Construct In-Ground Pool within a regulated area: Inland Wetland Permit Approved with Conditions on December 2, 2010 – Permittee requests fee waiver of approved permit fees and Schedule A fees: Following considerable discussion, Kathleen Maxham *moved* and Philip DiGennaro, Jr. *seconded* to deny the request of Mr. Rivera for a waiver of the permit fees and Schedule A fees. *Motion passed unanimously*. It was noted that the applicant may file a request for a fee waiver in the future, should the Agency reduce its permit fees following its review of the same.
4. Request For Release of Performance Bond:
  - (a) IWP 2009-10-08, Duarte, 274 Inwood Road, Request of Daryl Duarte for final release of \$12,000.00. Kathleen Maxham *moved*, and Elizabeth Jones *seconded* to approve the request for release of performance bond, 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). Kevin Gumper *moved* and Philip DiGennaro, Jr. *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.

VI. NEW APPLICATIONS:

1. IWPA 2010-11-05, Town of Fairfield, 2425 Morehouse Highway (H. Smith Richardson Golf Course); Assessor's Map 67, Parcel 5: Dredge Ponds and Drainage Alterations Within A Regulated Area: Kevin Gumper *moved* and Philip DiGennaro, Jr. *seconded* to table the matter pending legal notice and departmental review. *Motion passed unanimously.*
2. IWPA 2010-11-06, Piekarski & Cocco, Tuller Road and Little Brook Road; Assessor's Map 46, Parcels 526, 27, 27A: Subdivision construction grading and drainage within a regulated area: Conservation Staff noted its concerns that the current workload and reduced staffing may make it difficult to prepare the Staff recommendation as early as February 3, 2011 and recommended that the public hearing be scheduled for March 3, 2011. It was noted that counsel for the applicant was requesting that the public hearing be scheduled for February 3, 2011. Kathleen Maxham *moved* and Elizabeth Jones *seconded* to schedule the public hearing on this matter for February 3, 2011. *Motion passed unanimously.*

It was noted that to accommodate the pending business that Commissioners could assist in the office or field, or that Staff could put in over-time to meet the requested timeframe. The Commission indicated that overtime is warranted under the current circumstances, and requested notification on the budget hearings regarding the 2011-2012 Conservation budget/personnel requests.

There being no further business to come before the Commission, Elizabeth Jones *moved* and Joan Neiley *seconded* to adjourn at 9:18 p.m. *Motion passed unanimously.*

Respectfully submitted,

Betty Gabriel