

**CONSERVATION COMMISSION
FAIRFIELD, CONNECTICUT
MINUTES OF INLAND WETLAND AGENCY MEETING
APRIL 7, 2011**

The Conservation Commission, acting as the Inland Wetland Agency of the Town of Fairfield held a Meeting on April 7, 2011, in the All Purpose Room of the Osborn Hill School, 760 Stillson Road, Fairfield, CT.

MEMBERS PRESENT: Stanton Lesser, Chairman; Milan Bull, Vice Chairman; Frank Rice, Secretary; Kevin Gumper; and Kathleen Maxham. **ALTERNATES:** Douglas Jones; and Elizabeth Jones. **ABSENT:** Landon Storrs; Joan Neiley; and Philip DiGennaro, Jr. Also Present: Thomas Steinke, Conservation Director; Annette Jacobson, Conservation Administrator; Edward Jones, Wetlands Compliance Officer/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 Elizabeth Jones were appointed to sit as full members.
- III. **BILLS AND COMMUNICATIONS:**
 - A. Approval of Minutes of Special Meeting February 17, 2011: Kathleen Maxham *moved* and Douglas Jones *seconded* to approve the Special Meeting Minutes of February 17, 2011. *Motion passed unanimously.*
 - B. Approval of Recording Secretary's Bill of February 17, 2011: Kathleen Maxham *moved* and Elizabeth Jones *seconded* to approve the recording secretary's bill of February 17, 2011. *Motion passed unanimously.*
 - C. Approval of Minutes of Meeting March 3, 2011: Kathleen Maxham *moved* and Elizabeth Jones *seconded* to approve the Meeting Minutes of March 3, 2011. *Motion passed unanimously.*
 - D. Approval of Recording Secretary's Bill of March 3, 2011: Kathleen Maxham *moved* and Elizabeth Jones *seconded* to approve the recording secretary's bill of March 3, 2011. *Motion passed unanimously.*
 - E. Regulations Committee- Frank Rice, Chairman: It was noted that the Regulations Committee conducted a meeting this evening.
- IV. **INLAND WETLANDS-LEGAL/ENFORCEMENT ACTION:**
 1. Appeal of Taylor Violation Action 2940 Redding Road – Informational.

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

V. INLAND WETLANDS DELIBERATIVE SESSION:

A. OLD BUSINESS

1. IWPA 2010-11-07, Panigutti, 278 Pansy Road; Assessor's Map 123, Parcel 82-Subdivision Construction Within A Regulated Area: Kathleen Maxham *moved* and Frank Rice *seconded* to table this matter pending departmental review. *Motion passed unanimously.*

B. NEW BUSINESS

1. IWP 2003-08, Black Rock Realty, LLC – Status Report/Update by Redniss and Mead, Consultant on 3rd Train Station: No representatives from Redniss and Mead were available to provide a report this evening. Kathleen Maxham will inquire regarding updated status reports.

2. 2011 Municipal Inland Wetland Commissioners Training Program: Informational.

3. IWP 2001-09, Bulkley, Mill Hill Terrace, Mill Hill Road and Carriage Drive. Request of William Fitzpatrick for acknowledgement that court appeals tolled the permit and that the permit duration is extended. Thomas Steinke provided the Commission with background concerning the appeals and other litigation that had tolled the permit. Following discussion, Kathleen Maxham *moved*, and Elizabeth Jones *seconded* to table this matter pending review by Town Attorney. *Motion passed unanimously.*

Kevin Gumpfer recused himself on the following matter:

4. Fee Waiver Request: Certificate of Wetlands Conformance (CWC) 2010-11-39, McKeon, re: 171 Fulling Mill Lane, Additions, Etc. Annette Jacobson advised the Agency that Staff had calculated the fee based upon the unit of construction activity, pursuant to the Agency's regulations and fee structure. Mr. McKeon was present this evening and advised the Agency that he is seeking a reduction of the fees since the construction activity is for one structure. Commissioners noted that they would like to review this matter further. Following discussion, Frank Rice *moved*, and Elizabeth Jones *seconded* to table this matter. *Motion passed unanimously.*

5. Request for Release of Performance Bond:

Kevin Gumpfer *moved*, and Elizabeth Jones *seconded* to approve the following request(s) for release of performance bond as recommended by Staff:

(a) IWP 2000-05, Hillman (Wellner), Senate Lane, Builder's Lot 6, Request of Walt Stapleton for partial release of \$4,000.00 (of bonds totaling \$8,000).

- (b) IWP 2001-06, Southport Village Partners, LLC, John Street, Rennell Drive, Old Post Road, Southport. Request of Stuart Baldwin for final release of bonds totaling \$50,000.00.
- (c) IWP 2007-08-04, HH East Parcel, LLC (Whole Foods, etc.) Grasmere Ave and Kings Highway East, Request of Walt Stapleton for partial release of \$100,000.00 of bonds totaling \$155,000.
- (d) IWP 2009-10-10, Byelas, 536 Mine Hill Road, Request of Tom Ryder for final release of \$13,788. for new house.

Motion passed unanimously.

It was noted that consideration should be given with regard to Mr. Baldwin's request for release and notice of assignment relative to IWP 2001-06, Southport Village Partners, LLC. Conservation Staff will coordinate the release following opinion from Assistant Town Attorney, Eileen Kennelly.

- 6. Monthly Wetland Business Update For The Agency: Informational.

VI. PUBLIC HEARING

1. IWPA 2010-11-06, Piekarski & Cocco, Tuller Road and Little Brook Road, Assessor's Map 46, Parcels 26, 27 and 27A – Subdivision Construction Grading and Drainage Within A Regulated Area: The public hearing was re-opened at 7:50 p.m. The Agency took a short break from 8:23 p.m. to 8:31 p.m. At 9:06 p.m., Kevin Gumpfer moved and Douglas Jones Maxham seconded to continue the public hearing to May 5, 2011. Motion passed unanimously. The public hearing was recorded on tape and is available for review at the Conservation Department.

VII. OTHER: None noted.

VIII. ADJOURNMENT: There being no further business to come before the Commission, Milan Bull moved and Kathleen Maxham seconded to adjourn at 9:09 p.m. Motion passed unanimously.

Respectfully submitted,
Betty Gabriel