

**CONSERVATION COMMISSION
FAIRFIELD, CONNECTICUT
MINUTES OF INLAND WETLAND AGENCY MEETING
MAY 5, 2011**

The Conservation Commission, acting as the Inland Wetland Agency of the Town of Fairfield held a Meeting on May 5, 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; Kevin Gumpper; Joan Neiley; and Kathleen Maxham. **ALTERNATES:** Douglas Jones and Philip DiGennaro, Jr. **ABSENT:** Frank Rice, Secretary; Elizabeth Jones; and Landon Storrs. Also Present: 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 7:34 p.m. by Chairman Lesser.

II. APPOINTMENT OF ALTERNATES: See appointments noted below.

III. BILLS AND COMMUNICATIONS

A. Approval of Minutes of Meeting of April 7, 2011: Kevin Gumpper *moved* and Milan Bull *seconded* to approve the Meeting Minutes of April 7, 2011. *Motion passed unanimously.*

B. Approval of Recording Secretary's Bill of April 7, 2011: Kathleen Maxham *moved* and Milan Bull *seconded* to approve the recording secretary's bill of April 7, 2011. *Motion passed unanimously.*

E. Regulations Committee- No discussion/Committee Chairman Frank Rice was not present this evening.

IV. INLAND WETLANDS-LEGAL/ENFORCEMENT ACTION

1. Appeal of Taylor Violation Action 2940 Redding Road – Chairman Lesser advised the Commission that this matter is being reviewed by Town Attorney.

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: Annette Jacobson advised the Commission that Staff is recommending approval of this application. Kathleen Maxham *moved* and Milan Bull *seconded* to approve the application, together with the April 29, 2011 Staff recommended Findings of Fact A through G, and inclusive, together with all Staff recommended Standard and Specific Conditions of Approval. *Motion passed unanimously.* A copy of the decision of the Agency is attached hereto as Exhibit A.

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

2. IWP 2001-09, Four Winds Subdivision (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. Following a review by the Inland Wetlands Agency of the April 15, 2011 correspondence from Town Attorney Richard Saxl on this matter, the Agency acknowledged the tolling of the inland wetland permit due to litigation pending, to April 3, 2013. It was noted that Town Attorney Richard Saxl had advised that since the permit had been tolled, there was no need for the applicant to have paid a permit time extension fee. Kathleen Maxham *moved*, and Kevin Gumpper *seconded* to return the time extension fee paid by the applicant, pursuant to the recommendation of Town Attorney. *Motion passed unanimously.*

Kevin Gumpper recused himself on the following matter:

3. Fee Waiver Request: Certificate of Wetlands Conformance (CWC) 2010-11-39, McKeon, re: 171 Fulling Mill Lane, Additions, Etc. Annette Jacobson noted that the applicant is seeking a reduction of the fee in light of the fact that the construction activity is for one house structure, and that the fee was based upon three separate proposed additions, pursuant to the Agency's regulations and fee structure. Chairman Lesser noted that there are other Agency members who were not present this evening, and who may want to participate in the review of this matter. Kathleen Maxham *moved*, and Milan Bull *seconded* to table this matter. *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. Chairman Lesser noted that it is his understanding that the developer, Kurt Wittek, has a tenant for one of the buildings, and anticipates that he will seek a building permit from the town to start construction. Milan Bull noted that he has been on the site a couple of times with LandTech, and that the wetland area has been constructed. Mr. Bull noted that the mats are down, the boardwalk is in, bird houses are going up, and planting is anticipated soon.

Douglas Jones arrived at 7:41 p.m. and was appointed to sit as a full member.

2. Request For Permit Time Extension:

IWP 2006-08, Rice Hickory Lane, Request of John Fallon, Esq. for a five year extension: Kevin Gumpper *moved*, and Kathleen Maxham *seconded* to approve the request of John Fallon, Esq. for a five year extension, with conditions, as recommended by Staff. *Motion passed unanimously.*

3. Monthly wetland business update for the Agency: Informational.

VI. NEW APPLICATION

1. IWPA 2010-11-08, Town of Fairfield (agent, Toll Brother's Inc.), 120 Acorn Lane, Assessor's Map 243, Parcel 230 – Detention Modifications Within A Regulated Area: Annette Jacobson advised the Agency that this matter relates to a 1993 inland wetland permit in which the developer had not constructed the detention basin in accordance with permit conditions. Ms. Jacobson further indicated that Conservation Director Thomas Steinke is currently reviewing the matter with Town Attorney Richard Saxl, and that Staff is recommending that the Agency not take any action this evening. No action was taken by the Agency, in accordance with Staff's recommendation.

Philip DiGennaro, Jr. arrived at 7:46 p.m. and was appointed to sit as a full member.
Joan Neiley arrived at 7:51 during discussion on the following matter:

VII. 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 7:44 p.m. Chairman Lesser closed the public hearing at 9:07 p.m. It was noted that Philip DiGennaro, Jr. had reviewed the tapes for those meetings at which he was not present, and was eligible to vote on the application. It was further noted that Joan Neiley was not eligible to vote on this matter this evening.

Following discussion, Kathleen Maxham *moved* and Philip DiGennaro, Jr. *seconded* to approve the Staff Recommended Findings of Fact A through H, inclusive. **In Favor:** Stanton Lesser, Milan Bull, Douglas Jones, Philip DiGennaro, Jr., and Kathleen Maxham. **Opposed:** Kevin Gumper. *Motion carries 5-1.*

Kathleen Maxham *moved* and Philip DiGennaro, Jr. *seconded* to approve the Staff Recommended specific conditions of approval 1 through 9, inclusive. *Motion passed unanimously.* It was acknowledged by the Agency and counsel for the Applicant, William Fitzpatrick, that alternative locations for the access road will be reviewed with the Applicant by Staff.

Kathleen Maxham *moved* and Philip DiGennaro, Jr. *seconded* to approve the Staff Recommended additional specific conditions of approval 1 through 5, inclusive of April 29, 2011. *Motion passed unanimously.*

Kathleen Maxham *moved* and Douglas Jones *seconded* to approve IWPA 2010-11-06, together with all conditions. **In Favor:** Stanton Lesser, Milan Bull, Douglas Jones, Philip DiGennaro, Jr., and Kathleen Maxham. **Opposed:** Kevin Gumper. *Motion carries 5-1.*

The public hearing was recorded on tape and is available for review at the Conservation Department. A copy of the decision of the Agency is attached hereto as Exhibit B.

VIII. OTHER: None noted.

IX. ADJOURNMENT: There being no further business to come before the Commission, Kevin Gumper moved and Douglas Jones seconded to adjourn at 9:18 p.m. Motion passed unanimously.

Respectfully submitted,
Betty Gabriel