

**CONSERVATION COMMISSION  
FAIRFIELD, CONNECTICUT  
MINUTES OF INLAND WETLAND AGENCY MEETING  
AUGUST 4, 2011**

The Conservation Commission, acting as the Inland Wetland Agency of the Town of Fairfield held a Meeting on August 4, 2011, 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 and Kathleen Maxham. **ABSENT:** Joan Neiley; Kevin Gumpfer; Elizabeth Jones; Douglas Jones and Philip DiGennaro, Jr. 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 7:31 p.m. by Chairman Lesser.
- II. APPOINTMENT OF ALTERNATES: No Alternate members were present this evening.
- III. BILLS AND COMMUNICATIONS

Kathleen Maxham *moved*, and Milan Bull *seconded* to approve all minutes and recording secretary's bills set forth in items A through F below, inclusive:

- A. Approval of Minutes of Meeting June 2, 2011.
- B. Approval of Recording Secretary's Bill of June 2, 2011.
- C. Approval of Special Minutes of Meeting June 16, 2011.
- D. Approval of Recording Secretary's Bill of June 16, 2011.
- E. Approval of Special Meeting Minutes of July 21, 2011.
- F. Approval of Recording Secretary's Bill of July 21, 2011.

*Motion passed unanimously.*

G. Regulations Committee – Frank Rice, Chairman: Frank Rice reported that the July 21, 2011 meeting had been canceled due to a lack of quorum. Mr. Rice noted that he had discussed the matter with Conservation Director Thomas Steinke, and they had both agreed that it would be beneficial if the Committee did not meet again until October, since budget changes were anticipated which could possibly affect permit fees or other Agency matters. Mr. Rice further indicated that he would like the Agency to consider having two Commission members continue to review the regulations in the future as opposed to having a larger committee; this would avoid meeting cancellations due to lack of quorum, as well as the requirement for agendas, minutes, etc. Mr. Rice noted that it had just come to his attention that the standard conditions that were adopted by the Inland Wetland Agency for incorporation in the inland wetland permits (IWPA's) were not carried over for incorporation as standard conditions to the Certificate of Wetlands Conformance permits, and asked that this be reviewed at a future meeting.

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

1. Swann Violation, 3007 Redding Road, Filling, Piping, and Construction Without The Benefit of A Wetland Permit – Past time limit – violation resolution was to be completed by June 15, 2011 – Status: Annette Jacobson advised the Agency that although it had required that the resolution activities were to be completed by June 15, 2011, Mr. Swann has just now undertaken efforts to start the restoration work. Ms. Jacobson further advised the Agency that Mr. Swann has just hired James Taylor to conduct the violation resolution activities.

#### III. INLAND WETLANDS DELIBERATIVE SESSION:

##### A. NEW BUSINESS

1. IWPA 2010-11-09, Vimini, 222 Stillson Road; Assessor's Map 76, Parcel 226 – Demo House and Construct Two Dwelling Structures Within A Regulated Area: Annette Jacobson advised the Agency that technically this inland wetland application was received on July 7, 2011, even though the Inland Wetland Agency meeting was canceled, and that now Staff was recommending approval of this application. Kathleen Maxham *moved*, and Milan Bull *seconded* to approve the July 28, 2011 Staff recommended Findings of Fact A through G, inclusive. *Motion passed unanimously*. Kathleen Maxham *moved*, and Milan Bull *seconded* to approve the July 28, 2011 Staff recommended Standard and Specific Conditions of Approval. *Motion passed unanimously*. Kathleen Maxham *moved*, and Milan Bull *seconded* to approve the IWPA 2010-11-09, in accordance with Staff's recommendation. *Motion passed unanimously*. The letter conveying the decision of the Inland Wetland Agency is attached hereto as Exhibit A.

2. IWPA 2011-12-01, Lufam Homes, LLC, 64 Fieldcrest Drive; Assessor's Map 77, Parcel 206 – Demo House and Construct New Dwelling Within A Regulated Area: Annette Jacobson advised the Agency that technically this inland wetland application was received on July 7, 2011, even though the Inland Wetland Agency meeting was canceled. Ms. Jacobson further advised the Agency that Staff was recommending approval of the application, and that the applicant was not opposed to the recommended conditions. Milan Bull *moved*, and Kathleen Maxham *seconded* to approve the July 27, 2011 Staff recommended Findings of Fact A through H, inclusive. *Motion passed unanimously*. Milan Bull *moved*, and Kathleen Maxham *seconded* to approve the July 27, 2011 Staff recommended Standard and Specific Conditions of Approval. *Motion passed unanimously*. Milan Bull *moved*, and Kathleen Maxham *seconded* to approve the IWPA 2011-12-01, in accordance with Staff's recommendation. *Motion passed unanimously*. The letter conveying the decision of the Inland Wetland Agency is attached hereto as Exhibit B.

3. IWPA 2003-08, Black Rock Realty, LLC – Status Report/Update by Redniss and Mead, Consultant on 3<sup>rd</sup> Train Station: No one was present this evening on behalf of Redniss and Mead to provide a status report. The matter was subsequently briefly discussed later in the meeting (see below in "other").

4. Public Act 11-5, Section 4 Affecting Wetland Permit Duration And Time Extensions: Annette Jacobson advised the Agency that legislation was recently passed which had the effect of automatically extending certain land use permits. Public Act 11-5 also serves to extend the maximum allowed time limit of an inland wetland permit from a period of eleven years to fourteen years from the date of approval. Ms. Jacobson indicated that Conservation Staff will compile a listing of all Town of Fairfield inland wetland permits that are affected by this new legislation, which also includes certain certificates of wetlands conformance issued by Staff.

5. FEE WAIVER REQUEST – Certificate of Wetlands Conformance (CWC) 2010-11-66, Badger, Re: 1115 Burr Street, Septic System Replacement: Annette Jacobson advised the Agency that Thomas Steinke had handled this matter and was recommending approval of this fee waiver request. Milan Bull *moved*, and Kathleen Maxham *seconded* to approve the fee waiver request for Certificate of Wetlands Conformance 2010-11-66. *Motion passed unanimously.*

6. Request For Release of Performance Bond:

Milan Bull *moved*, and Kathleen Maxham *seconded* to approve the following request for release of performance bonds, as recommended by Staff:

- a. IWP 2009-10-03, Haller, 2633 Black Rock Turnpike, Demolition Only – Request of Walter Stapleton For Final Release of \$3,000.00.

*Motion passed unanimously*

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

## VI. NEW APPLICATIONS:

1. IWPA 2011-12-02, Suarez, Hubbell Lane, North Side (Just East of #130); Assessor's Map 173, Parcel 26 – Construct New Dwelling and Septic System Within A Regulated Area: Milan Bull *moved*, and Kathleen Maxham *seconded* to find the matter significant and to schedule a public hearing for October 6, 2011. *Motion passed unanimously.*

2. IWPA 2011-12-03, Philbin Brothers Partnership, 71 Woods End Road; Assessor's Map 145, Parcel 66 – Demolish Existing And Construct New Dwelling Within A Regulated Area: Milan Bull *moved*, and Kathleen Maxham *seconded* to find the application non-significant, and to table the matter pending legal notice and departmental review. *Motion passed unanimously.*

VII. INLAND WETLANDS – PUBLIC HEARING:

1. Continued from July 21, 2011: Request For Permit Modification  
IWPA 2009-10-09, Town of Fairfield (agent/applicant Toll Brother's Inc.)  
120 Acorn Lane; Assessor's Map 243, Parcel 230 – Detention Basin  
Modifications Within A Regulated Area:

The public hearing was reopened at 7:45 p.m. At 8:21 p.m. Milan Bull *moved*, and Kathleen Maxham *seconded* to close the public hearing. *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. Kathleen Maxham *moved* to approve the modification of IWPA 2009-10-09 as presented this evening during the public hearing. There was no second on this motion; *Motion failed*.

Kathleen Maxham *moved*, and Frank Rice *seconded* to table this matter to the September 1, 2011 meeting. *Motion passed unanimously*. It was noted that all Commissioners who were absent for any portion of the public hearing(s) in this matter must review the public hearing tapes for those meetings that they had missed, and review all public hearing exhibits presented in order to be eligible to vote.

VIII. OTHER:

1. Frank Rice reported that he had attended a "Connecticut Parks Back to the Future" lecture that was held on July 28, 2011 at the Nature Center at Sherwood Island State Park in which Dan Esty, Commissioner of the Department of Energy and Environmental Protection was a speaker. The lecture was co-sponsored by Green Village Initiative (GVI) and Friends of Sherwood Island. Mr. Rice indicated that he found the presentation to be very informative, and was very impressed with Commissioner Esty's presentation.

2. IWPA 2003-08, Black Rock Realty, LLC: Chairman Lesser advised the Agency that Craig Flaherty of Redniss and Mead contacted him to advise that although the inland wetland permit conditions required that the stone wall be built at a location specified on the "non-easement" portion of the site, the stone wall, which is now approximately 250 feet long and 18 inches wide, was inadvertently built on the wrong side of the easement, and as such is not in compliance with permit conditions. Chairman Lesser asked that the Commission give this consideration for review at a future meeting.

IX. ADJOURNMENT: There being no further business to come before the Commission, Kathleen Maxham *moved* and Frank Rice *seconded* to adjourn at 8:31 p.m. *Motion passed unanimously*.

Respectfully submitted,  
Betty Gabriel

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