

**CONSERVATION COMMISSION  
FAIRFIELD, CONNECTICUT  
MINUTES OF INLAND WETLAND AGENCY MEETING  
SEPTEMBER 1, 2011**

The Conservation Commission, acting as the Inland Wetland Agency of the Town of Fairfield held a Meeting on September 1, 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; Kevin Gumpfer and Kathleen Maxham. **ALTERNATES:** Elizabeth Jones, Douglas Jones and Philip DiGennaro, Jr. **ABSENT:** Joan Neiley. 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 7:30 p.m. by Chairman Lesser.

II. APPOINTMENT OF ALTERNATES: Elizabeth Jones and Philip DiGennaro, Jr. were appointed to sit as full members.

III. **BILLS AND COMMUNICATIONS**

A. Approval of Minutes of Meeting August 4, 2011: Following inquiry by Frank Rice, it was noted that the Agency members had not voted on the Black Rock Realty, LLC matter/issue concerning the stone wall not being in compliance with permit conditions. Kathleen Maxham *moved*, and Philip DiGennaro, Jr. *seconded* to approve the August 4, 2011 meeting minutes. *Motion passed unanimously.*

B. Approval of Recording Secretary's Bill of August 4, 2011: Kathleen Maxham *moved*, and Milan Bull *seconded* to approve the recording secretary's bill of August 4, 2011. *Motion passed unanimously.*

C. Regulations Committee – Frank Rice, Chairman: It was noted that meetings of the Regulations Committee are suspended until October.

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

1. Taylor Declaratory Ruling, 2940 Redding Road – Supreme Court Decision Upheld – Filling for roads in wetlands requires a wetland permit regardless of farming. The Agency acknowledged the ruling in this matter.

2. Permit 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 work for the resolution of the violation commenced subsequent to the June 15, 2011 deadline, but it is underway. Mr. James Taylor will be conducting the work for Mr. Swann.

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

V. INLAND WETLANDS DELIBERATIVE SESSION:

Douglas Jones arrived during the discussion on the following matter, and noted that although he had reviewed the exhibits presented, he had not had an opportunity to review the recording, and was therefore ineligible to vote. The Members eligible and voting were: Stanton Lesser, Milan Bull, Frank Rice, Kathleen Maxham and Kevin Gumper.

A. OLD BUSINESS

1. 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:  
Kevin Gumper indicated that he has listened to the recordings of the meetings/public hearing on this matter for meeting(s) he had missed, and is eligible to vote. Following discussion, Kevin Gumper *moved*, and Kathleen Maxham *seconded* to approve the application to modify, with further condition of modification. Mr. Gumper noted that he felt that the installation of a berm rather than excavating the basin made more sense. Following discussion, it was clarified that the motion to approve the modifications as presented on August 4, 2011, with the circle reducers, and the condition that a trash rack be installed. *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: Kathleen Maxham recused herself on this matter. Douglas Jones was appointed to sit as a full member. Annette Jacobson provided the Agency with a description of the proposed activity. Milan Bull *moved*, and Kevin Gumper *seconded* to approve the August 26, 2011 Staff recommended Findings of Fact A through F, inclusive. *Motion passed unanimously.* Milan Bull *moved*, and Philip DiGennaro, Jr. *seconded* to approve the August 26, 2011 Staff Recommended Standard and Specific Conditions. *Motion passed unanimously.* Milan Bull *moved*, and Elizabeth Jones *seconded* to approve the entire Application. *Motion passed unanimously.* A copy of the letter conveying the decision of the Agency is attached hereto as Exhibit A.

Following the vote on IWPA 2011-12-03, Douglas Jones sat as an Alternate Member for the remainder of the evening.

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: Chairman Lesser indicated that he anticipates work to commence again, with an opening on October 31, 2011. It was noted that the State of Connecticut has imposed a deadline relative to its contribution of additional funds.
2. Monthly Wetland Business Update For The Agency: Informational.

VI. STATUS OF APPLICATION PREVIOUSLY FILED:

1. IWPA 2011-12-02, Suarez, Hubbell Lane, north side (just east of #130)  
Assessor's Map 173, Parcel 26  
Construct New Dwelling Within A Regulated Area:  
Awaiting Public Hearing October 6, 2011.

VII. MAP AMENDMENT APPLICATION:

1. MAP AMENDMENT 2011-12-01, O'Neill, 317 Edward Street  
Assessor's Map 138, Parcel 231; Request To Revise The Official Inland  
Wetland and Watercourses Maps: D-18, to regulated parcel:  
Kathleen Maxham *moved*, and Elizabeth Jones *seconded* to schedule the public  
hearing on this matter for October 6, 2011. *Motion passed unanimously.*

VIII. OTHER: None.

IX. ADJOURNMENT: There being no further business to come before the Commission, Kathleen Maxham *moved* and Elizabeth Jones *seconded* to adjourn at 7:43 p.m. *Motion passed unanimously.*

Respectfully submitted,  
Betty Gabriel