

**CONSERVATION COMMISSION
FAIRFIELD, CONNECTICUT
MINUTES OF INLAND WETLAND AGENCY MEETING
NOVEMBER 3, 2011**

The Conservation Commission, acting as the Inland Wetland Agency of the Town of Fairfield held a Meeting on November 3, 2011, in the 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 Gumper and Kathleen Maxham. **ALTERNATES:** Elizabeth Jones, Douglas Jones **ABSENT:** Joan Neiley 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 7:37 p.m. by Chairman Lesser.

II. **APPOINTMENT OF ALTERNATES:** Elizabeth Jones and Douglas Jones were appointed to sit as full members.

III. **BILLS AND COMMUNICATIONS**

 A. Approval of Minutes of Meeting October 6, 2011: Elizabeth Jones *moved*, and Douglas Jones *seconded* to approve the October 6, 2011 meeting minutes. *Motion passed unanimously.*

 B. Approval of Recording Secretary's Bill of October 6, 2011: Kathleen Maxham *moved*, and Elizabeth Jones *seconded* to approve the recording secretary's bill of October 6, 2011. *Motion passed unanimously.*

 C. Regulations Committee – Frank Rice, Chairman: Regulations Committee meetings currently suspended. Mr. Rice advised the Agency that he will be attending the upcoming CACIWC annual meeting; two of the workshops he is registered for include emergency authorization procedures for wetlands agencies and wetlands law update, both of which are being presented by Attorney Janet Brooks. Annette Jacobson referred the Agency members to a memo included with their agenda which outlines current staffing levels and the need for additional full-time staffing due to current work-load levels in the Conservation Department. Ms. Jacobson further indicated that the Agency members should give consideration to this matter when reviewing its upcoming budget request as well as alternatives to handle the department workload, such as commission volunteer efforts and the use of outside consultants, although Staff believes the need is best served by full-time personnel.

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

IV. INLAND WETLANDS – DELIBERATIVE SESSION

A. OLD BUSINESS

1. IWPA 2011-12-04, St. Vincent's Medical Center, 5545 Park Avenue; Assessor's Map 14, Parcel 2; Demolish House and Construct New Medical Building, Grading and Drainage within A Regulated Area: The Agency had reviewed this property in connection with IWP 2008-09-02 for the construction of a similar building, and again under IWP 2009-10-07 for the construction of a medical building with a different design. Both applications received approvals, although neither proposal was developed. Annette Jacobson advised the Agency that upon its review of IWP 2009-10-07, it had approved a waiver/reduction of certain fees. The applicant's attorney, John Fallon, indicated that following an approval by the Inland Wetland Agency, his client would then seek the necessary approval from Town Planning and Zoning. Mr. Fallon noted that he was in agreement with the invalidation of the two prior permits upon the issuance and satisfaction of permit conditions for the application currently under review, in that the current approval would be the controlling inland wetland permit. Mr. Fallon agreed that language concerning the invalidation may be included as a condition to any permit approval for 2011-12-04, thereby satisfying the sufficient notice upon the Town of Fairfield land records. Upon inquiry by Kathleen Maxham, Annette Jacobson indicated that Staff recommended condition #2 requiring the written consent for the municipal sewer line connection from the City of Bridgeport had been provided for the previous application; Mr. Fallon will provide the necessary consent in this matter if required. Following considerable discussion, Douglas Jones *moved*, and Elizabeth Jones *seconded* to approve Staff recommended October 28, 2011 Findings of Fact A through H, inclusive. *Motion passed unanimously.* Douglas Jones *moved*, and Elizabeth Jones *seconded* to approve Staff recommended Specific Conditions of Approval, with the additional condition that the prior approval(s) issued in IWP 2008-09-02 and IWP 2009-10-07 would be immediately rendered null and void upon the satisfaction of all standard and specific permit conditions set forth in IWP 2011-12-04 which are required prior to any site disturbance. *Motion passed unanimously.* Kathleen Maxham *moved*, and Douglas Jones *seconded* to approve Staff recommended October 28, 2011 Standard Conditions of Approval. *Motion passed unanimously.* Kathleen Maxham *moved*, and Douglas Jones *seconded* to approve inland wetland application 2011-12-04, together with the conditions as discussed this evening. *Motion passed unanimously.*

Following deliberation on this matter, the Agency reviewed the fee waiver request of the applicant. Following discussion, Douglas Jones *moved*, and Elizabeth Jones *seconded* to approve a waiver of the application fee relative to IWPA 2011-12-04. The required fee of the State of Connecticut (\$60.00) and all other relative permit fees remain an obligation of the applicant under the permit. *Motion passed unanimously.* A copy of the decision of the Agency is attached hereto as Exhibit A.

B. NEW BUSINESS

1. Request of John Fallon for Jurisdictional Ruling on Property on Fairchild Avenue: Annette Jacobson advised the Agency that she had visited the subject site at 130 Fairchild Avenue (Assessor's Map 38, Parcel 56) today with a soil scientist hired by Conservation Staff. Based upon that inspection, the soil scientist was of the opinion that the site contained tidal wetlands, but not inland wetland soils. Ms. Jacobson indicated that the official wetland maps of Fairfield Inland Wetland Agency (adopted on September 1, 1994) reflected that the site did have wetland soils, and as such, was regulated by the Agency. All parties were in agreement that no inland wetland soils exist on the property. Ms. Jacobson indicated that a map amendment and public hearing is required in order to deregulate the property from the Agency's jurisdiction, in accordance with the Agency's regulations and Connecticut State Statutes. Kathleen Maxham suggested that Conservation Staff file a map amendment application. It was the consensus of the Agency that the property owner and/or its representative would not be responsible for filing a map amendment application to deregulate the property from the Agency's jurisdiction, and that the applicant is entitled to a sign off by the Conservation Department to pursue appropriate Town agency approvals for its development proposal. Following discussion, Kevin Gumpfer *moved*, and Elizabeth Jones *seconded* to make a determination that there are no inland wetland soils on this property, and therefore the Fairfield Inland Wetland Agency has no jurisdiction over it. Motion passed unanimously. Stanton Lesser noted that the map amendment could be done at some point in the future so that the records concerning this property accurately reflect that there are no inland wetland soils present.

Milan Bull recused himself on the following matter:

2. Request For Fee Waiver – Future Certificate of Wetlands Conformance For the Audubon Society of Connecticut (Birdcraft Location) 314 Unquowa Road: Annette Jacobson advised the Agency that although an official permit application has not been filed, the Audubon Society was seeking a fee waiver of the application fee and the associated \$160.00 permit approval fee. Annette Jacobson indicated that the \$60.00 State of Connecticut land use fee cannot be waived. This request relates to a future project for interior alterations, foundation drainage to a raingarden, and new connection to the sewer line at the Birdcraft location on Unquowa Road. Following discussion, Kevin Gumpfer *moved*, and Elizabeth Jones *seconded* to approve the request of the Audubon Society of Connecticut to waive the \$800.00 certificate of wetlands conformance application fee and the \$160.00 approval fee. Motion passed unanimously.

3. Percentage of Departmental Budget Expended In Connection with Inland Wetland Program: Informational.

4. Draft 2012 Schedule of Meeting Dates: Informational - the 2010 Schedule will be voted upon at the December meeting.

5. IWP 2003-08, Black Rock Realty, LLC – Status Report/ update by Redniss and Mead Consultant on 3rd Train Station: A representative from Redniss and Mead was not present this evening to provide status report/update on this matter.

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

V. PUBLIC HEARINGS:

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.

The public hearing was re-opened at 8:15 p.m. The Agency acknowledged the request for a withdrawal by the applicant, and the hearing was immediately closed. Douglas Jones *moved*, and Frank Rice *seconded* to accept the withdrawal of the application. *Motion passed unanimously.*

The public hearing was recorded and is available for review at the Fairfield Conservation Department, 725 Old Post Road, Fairfield, CT.

VI. OTHER:

1. The Habitat Fall 2011 – Informational.
2. Erosion Control Seminar – Town of Greenwich November 14, 2011 – Informational.
3. DEP Municipal Training – Elizabeth Jones noted that the DEP has some segments for training available on-line.

VII. ADJOURNMENT: There being no further business to come before the Commission, Kathleen Maxham *moved* and Douglas Jones *seconded* to adjourn at 8:16 p.m. *Motion passed unanimously.*

Respectfully submitted,

Betty Gabriel