

**CONSERVATION COMMISSION  
FAIRFIELD, CONNECTICUT  
MINUTES OF INLAND WETLAND AGENCY MEETING  
MARCH 1, 2012**

The Conservation Commission, acting as the Inland Wetland Agency of the Town of Fairfield held a Meeting on March 1, 2012, in the All Purpose Room of Osborn Hill School, 760 Stillson Road, Fairfield, CT.

**MEMBERS PRESENT:** Stanton Lesser, Chairman; Milan Bull, Vice Chairman; Kevin Gumpper, Secretary; Frank Rice; Joan Neiley; Catherine O'Donnell; and Kathleen Maxham. **ABSENT:** Elizabeth Jones. *Note – two vacancies.* 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 7:32 p.m. by Chairman Lesser.

II. APPOINTMENT OF ALTERNATES: No appointments were made.

III. **BILLS AND COMMUNICATIONS**

A. Approval of Minutes of Meeting February 2, 2012: Kevin Gumpper *moved*, and Frank Rice *seconded* to approve the February 2, 2012 meeting minutes. *Motion passed unanimously.*

B. Approval of Recording Secretary's Bill of February 2, 2012: Kevin Gumpper *moved*, and Frank Rice *seconded* to approve the recording secretary's bill of February 2, 2012. *Motion passed unanimously.*

C. **REGULATIONS COMMITTEE:** Frank Rice, Chairman: Frank Rice indicated that he has completed his review of the current Fairfield Inland Wetland Agency Regulations, and has prepared proposed revisions for the Agency's review and consideration. Mr. Rice distributed one copy of the proposed document, noting that Conservation Staff has been provided with an electronic copy for its review. Mr. Rice inquired whether the Inland Wetland Agency would prefer to conduct its review of the draft document while Staff is reviewing it, or after it goes to Town Attorney for opinion. It was the consensus of the Agency that it will review the draft document prepared by Frank Rice now. Kevin Gumpper *moved*, and Milan Bull *seconded* a vote of thanks to Frank Rice for his efforts in this project. *Motion passed unanimously.* Conservation Staff will provide each Commissioner with a copy of the proposed regulations for its review prior to the next meeting.

IV. **INLAND WETLANDS DELIBERATIVE SESSION**

A. **OLD BUSINESS**

1. IWPA 2011-12-06, Brookside Acres, LLC, 145 Brookside Drive, Assessor's Map 123, Parcel 86; Subdivision construction within a regulated area: Kevin Gumpper *moved*, and Milan Bull *seconded* to table the matter pending departmental review. *Motion passed unanimously.*

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

2. IWPA 2011-12-08, Town of Fairfield Parks and Recreation, 2425 Morehouse Highway (H. Smith Richardson Golf Course); Assessor's map 67, Parcel 5: Construct drainage modifications on the 2<sup>nd</sup> Fairway and 11<sup>th</sup> Green within a regulated area: Milan Bull *moved*, and Kevin Gumpfer *seconded* to table the matter pending legal notice and 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 3<sup>rd</sup> Train Station: No representatives from Redniss and Mead were available this evening to provide a status report in this matter

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

V. NEW APPLICATION

1. IWPA 2011-12-09, Benevolent Protective Order of Elks No. 2220, Inc. (BPOE), 452 Brookside Drive; Assessor's Map 123, Parcel 221 – Subdivision construction within a regulated area: Milan Bull *moved*, and Catherine O'Donnell *seconded* to find the matter non-significant and to schedule the public hearing in the public interest for May 3, 2012. *Motion passed unanimously*.

VI. PUBLIC HEARING

1. IWPA 2011-12-05, Thorpe Street Corporation, 185 Thorpe Street; Assessor's Map 180, Parcel 148: Demo existing structures and construct 64-unit residential development, drainage and grading within a regulated area: The public hearing was re-opened at 7:41 p.m. At 10:47 p.m., Kevin Gumpfer *moved*, and Milan Bull *seconded* to close the public hearing. In response to Annette Jacobson advising the Agency that Town engineer Laura Pulie had indicated that she intends to submit additional comments, Milan Bull indicated that the comments received by Laura Pulie were related to Planning and Zoning and Building, that they were not related to inland wetland issues; Chairman Lesser agreed. Chairman Lesser indicated that the Inland Wetland Agency does not have jurisdiction over the tidal wetlands, and that this site contained a small portion of inland wetland regulated area. Mr. Lesser further indicated that he was not prepared to make a finding that the project would have an adverse impact on the small wetland area. **Vote on Motion to close public hearing:** *Motion passed unanimously*. The public hearing was recorded and is available for review at the Fairfield Conservation Department, 725 Old Post Road, Fairfield, CT. Following the close of the public hearing, the Agency considered whether the project would have an impact on inland wetlands. The Agency acknowledged the comments and concerns of Conservation Staff and Town engineer, Laura Pulie. Following discussion, Frank Rice *moved*, and Kevin Gumpfer *seconded* to approve the application. Intending to make findings of fact prior to voting on the inland wetland application, Frank Rice withdrew his motion, and Kevin Gumpfer withdrew his second to approve the application.

Kevin Gumper *moved*, and Frank Rice *seconded* that the Agency make the following findings: That there is a small amount of regulated area on the subject property, there is no inland wetland on site, and to further find that there is no reason to believe that this project will have an adverse impact upon the off-site inland wetlands, or over any inland wetland or watercourse over which the Agency has jurisdiction. Following discussion, Kevin Gumper included the following language to the motion:

January 26, 2012 Staff recommended Finding of Fact A and B, are included as findings;

January 26, 2012 Staff recommended Finding of Fact C is modified to reflect that “the application and supporting documents demonstrate that a small regulated area exists on the subject property, although there are no inland wetlands or watercourses present on the subject property”.

Finding of Fact added: “The proposed activities for this project will not have an adverse impact on inland wetlands regulated area on-site, or off-site inland wetland”.

Frank Rice reiterated his second on motion, as modified to include the additional findings.

It was the consensus of the Agency that Staff recommended Finding of Fact G is included.

*Motion passed unanimously.*

The Agency discussed the offering of an access easement by the applicant. Following discussion, Kevin Gumper *moved*, and Frank Rice *seconded* to approve the application with a specific condition of the access easement along the northeast boundary, with a stormwater management easement to cover the drainage, as proposed, and together with all standard conditions. Kevin Gumper acknowledged the comments and concerns as set forth in Annette Jacobson’s recommendation for denial of this application. Mr. Gumper noted that these concerns must be reviewed and discussed, but that the Agency’s jurisdiction was limited to reviewing what impact, if any, that this project would have on inland wetlands and watercourses. Kathleen Maxham noted her agreement that the Agency’s role was limited. Chairman Lesser noted that many of the concerns raised in Annette Jacobson’s recommendation would fall under the jurisdiction of other Town boards, and will be addressed by them.

**Vote on motion:** *Motion passed unanimously.*

The letter conveying the decision of the Agency is attached hereto as Exhibit A.

VII. OTHER:

1. Stanton Lesser advised the Agency that this evening will be his last meeting, noting that effective tomorrow, he would be resigning from the Commission. Chairman Lesser indicated that he has enjoyed the time that he has spent on this Commission, and noted the excellent Conservation Staff, excellent Commission, and his appreciation of the dedication and efforts. Chairman Lesser thanked everyone on the Commission. Milan Bull, on behalf of the Commission, acknowledged the hard work, dedication and leadership of Chairman Lesser.

VIII. ADJOURNMENT: There being no further business to come before the Commission, Kevin Gumper moved and Kathleen Maxham seconded to adjourn at 11:10 p.m. Motion passed unanimously.

Respectfully submitted,  
Betty Gabriel