

**CONSERVATION COMMISSION
FAIRFIELD, CONNECTICUT
MINUTES OF INLAND WETLAND AGENCY MEETING
SEPTEMBER 6, 2012**

The Conservation Commission, acting as the Inland Wetland Agency of the Town of Fairfield held a Meeting on September 6, 2012 in Meeting Room II of the Honorable John J. Sullivan Independence Hall, 725 Old Post Road, Fairfield, CT.

MEMBERS PRESENT: Kevin Gumper, Chairman; Milan Bull, Vice Chairman; Catherine O'Donnell, Secretary; Frank Rice; Richard Santalesa; and Kathleen Maxham. **ALTERNATES:** Felicia Watson; Sam Boyarsky. **ABSENT:** Elizabeth Jones; Letitia Ferguson. Also Present: Thomas Steinke, Conservation Director; Annette Jacobson, Conservation Administrator; Edward Jones, Wetlands Compliance Officer/Open Space Manager; and members of the public and press.

Note: the items listed on the meeting agenda for this evening were taken out of order.

- I. CALL TO ORDER: The meeting was called to order at 7:30 p.m. by Chairman Gumper.
- II. APPOINTMENT OF ALTERNATES: Felicia Watson and Sam Boyarsky were appointed to sit as Full Members.

Correspondence from the First Selectman appointing new Commissioners – two Alternate members and one Regular member. Appointments noted.

SUPPLEMENTAL AGENDA:

III. INLAND WETLANDS – LEGAL/ENFORCEMENT ACTION

2. James Taylor v. Fairfield Conservation Commission – 2940 Redding Road – unauthorized excavation to deepen a watercourse and removal of wetland soil: at 7:31 p.m. Kathleen Maxham *moved*, and Milan Bull *seconded* to go into closed executive session, and to invite Attorney Austin Wolf and Conservation Staff. *Motion passed unanimously*. At 7:36 p.m. Milan Bull *moved*, and Kathleen Maxham *seconded* to go out of closed executive session. *Motion passed unanimously*. Chairman Gumper noted that no motions were made or votes taken during closed executive session. Upon returning to regular session, Kathleen Maxham *moved*, and Milan Bull *seconded* that the Inland Wetland Agency not take an appeal of the August 28, 2012 Superior Court Decision (sustaining the appeal by James Taylor and vacating the cease and correct order of the Fairfield Conservation Commission). *Motion passed unanimously*.

REGULAR AGENDA:

III. BILLS AND COMMUNICATIONS

A. Approval of Minutes of Meeting August 2, 2012: Kathleen Maxham *moved*, and Sam Boyarsky *seconded* to approve the August 2, 2012 meeting minutes. *Motion passed unanimously*.

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

B. Approval of Minutes of Special Meeting August 16, 2012: Kathleen Maxham *moved*, and Catherine O'Donnell *seconded* to approve the August 16, 2012 Special meeting minutes. *Motion passed unanimously.*

Richard Santalesa arrived at 7:41 p.m.; Sam Boyarsky continued to sit as a Full Member; Felicia Watson sat as an Alternate Member for the remainder of the evening.

IV. INLAND WETLANDS DELIBERATIVE SESSION

A. OLD BUSINESS

1. IWPA 2012-13-01, Marcinowski, 446 Sturges Road; Assessor's Map 179, Parcel 308; Demolish Existing House & Construct New House within a regulated area: Following discussion, Kathleen Maxham *moved*, and Milan Bull *seconded* to approve the application, together with Staff Recommended Findings of Facts, and together with all standard and specific conditions, as set forth in Staff Recommendation For Conditional Approval dated August 30, 2012. *Motion passed unanimously.* A copy of the decision of the Agency is attached hereto as Exhibit A.

2. IWPA 2012-13-02, Auriemma, 1263 Bronson Road; Assessor's Map 177, Parcel 194; Construct New House within a regulated area: Following discussion, Kathleen Maxham *moved*, and Sam Boyarsky *seconded* to approve the application, together with Staff Recommended Findings of Facts, and together with all standard and specific conditions, as set forth in Staff Recommendation For Conditional Approval dated August 31, 2012. *Motion passed unanimously.* A copy of the decision of the Agency is attached hereto as Exhibit B.

B. NEW BUSINESS

1. Referral of proposal within 500' of Fairfield as required by Statute:
Applicant – RDR 5520 LLC, 5520 Park Avenue, Trumbull, CT: Annette Jacobson provided the Agency with a brief description of the proposal, noting Staff's concerns, which included, but were not limited to: drainage and water quality concerns; need for use of bio-filter swales; address required long-term maintenance; and need for investigation of other feasible and prudent alternatives. Following discussion, Catherine O'Donnell *moved*, and Milan Bull *seconded* to forward Staff comments to the Town of Trumbull Inland Wetland Agency. *Motion passed unanimously.*

2. IWP 2003-08, Black Rock Realty, LLC – Status Report/Update by Redniss and Mead Consultant on 3rd Train Station: Kevin Gumper indicated that this project is almost complete, and that the IWA is awaiting close-out reports and as-built plans to confirm that the project was constructed in accordance with the permit. The developer will remove the final amount of contaminated soil. Mr. Gumper welcomed any comments or questions (see additional discussion below).

3. Request for Release of Performance Bond:

(a) IWP 2010-11-04, Hines (Lee), 561 Winnepogo Drive, demo and new house construction within a regulated area. Request of Walt Stapleton for final release of \$7,000: Catherine O'Donnell moved, and Richard Santalesa seconded to approve the request of Walt Stapleton for a final release of bond, as recommended by Staff. Motion passed unanimously.

(b) IWP 2011-12-03, Philbin, 71 Woods End Road, Demo and new house construction within a regulated area. Request of Walt Stapleton for final release of \$3,000: Catherine O'Donnell moved, and Milan Bull seconded to approve the request of Walt Stapleton for a final release of bond, as recommended by Staff. Motion passed unanimously.

Kathleen Maxham acknowledged the relatively short time frame in which the project was completed and bond released.

4. Monthly Wetland Business Update For The Agency: The Agency reviewed Staff's update on pending wetland business. It was noted that Edward Jones is working on additional matters, one of which involves a 1994 wetland permit with outstanding issues/potential violation.

SUPPLEMENTAL AGENDA:

IV. NEW APPLICATION

1. IWPA 2012-13-03, Cocco & Piekarski, portion of 120 & 144 Tuller Road and Little Brook Road; Assessor's Map 46, Parcel portion of 27 & 27 A – subdivision construction, grading and drainage within a regulated area: Kathleen Maxham moved, and Catherine O'Donnell seconded to find the application significant and schedule a public hearing on this matter for November 1, 2012. Motion passed unanimously.

III. INLAND WETLANDS-LEGAL/ENFORCEMENT ACTION

1. IWP 2003-08, Black Rock Realty, LLC & Town, Train Station – George R. Bisacca, Esq. Letter dated August 31, 2012 regarding CT Supreme Court decision on Bateson, et al. vs. Weddle: The Agency acknowledged receipt of Attorney Bisacca's correspondence (Mr. Bisacca was present in the audience this evening). Kevin Gumpfer noted that he did not want to do anything on this matter without first speaking with Town Counsel. Attorney Kathleen Braun was present and noted that the Agency's prior discussion this evening regarding a status on the project included an indication (from Chairman Gumpfer) that the IWA is awaiting close-out reports and as-builts. Attorney Braun noted that since the Conservation Staff is now back overseeing the project, it should be the Conservation Staff reviewing the reports of Redniss and Mead and providing the IWA with the status reports/project updates.

Frank Rice noted that the last status report he received from Redniss and Mead was dated November 2011. Attorney Bisacca noted that the reports from Redniss and Mead should go to Conservation Staff.

V. OTHER – None noted

VI. ADJOURNMENT: There being no further business to come before the Commission, Kathleen Maxham moved and Catherine O'Donnell seconded to adjourn at 8:00 p.m. Motion passed unanimously.

Respectfully submitted,
Betty Gabriel