

**CONSERVATION COMMISSION  
FAIRFIELD, CONNECTICUT  
MINUTES OF  
INLAND WETLAND AGENCY MEETING  
October 4, 2012**

The Conservation Commission, acting as the Inland Wetland Agency of the Town of Fairfield held a Meeting on October 4, 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; Elizabeth Jones; and Richard Santalesa. **ALTERNATES:** Letitia Ferguson; Felicia Watson; and Sam Boyarsky. **ABSENT:** Kathleen Maxham. 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; the item numbering below follows the corresponding position on the actual meeting agenda.*

- I. **CALL TO ORDER:** The meeting was called to order at 7:33 p.m. by Chairman Gumper.
- II. **APPOINTMENT OF ALTERNATES:** Letitia Ferguson was appointed to sit as a full member.
- III. **BILLS AND COMMUNICATIONS**
  - A. Approval of Minutes of Meeting September 6, 2012: Catherine O'Donnell *moved*, and Milan Bull *seconded* to approve the September 6, 2012 meeting minutes, *Motion passed unanimously*.
- IV. **A. Old Business**
  - 1d. IWP 2003-08, Black Rock Realty, LLC and Town of Fairfield: Formerly 21 Black Rock Turnpike, Kenard Street to Ash Creek Assessor's Map 80, Parcel 4A. – To determine whether proposed plan revisions to change Retail Pavilion to a 197-unit Apartment Building is consistent with the existing wetland permit, or whether such change requires a permit modification and/or new permit.  
Public hearing held August 16, 2012.  
  
Chairman Gumper indicated that John Fallon, Esq. had requested this matter be withdrawn from consideration without prejudice. Milan Bull *moved*, and Catherine O'Donnell *seconded* to allow the withdrawal. *Motion passed unanimously*.
  - 1a. George R. Bisacca, Esq. letter dated August 31, 2012 regarding CT Supreme Court decision on Bateson, et al v. Weddle. From September 6<sup>th</sup> agenda. The Chairman indicated this is under review with Town Attorney and Inland Wetlands Agency.

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

1b & 1c discussed together. b. Discussion of plan to bring Conservation Dept. staff up-to-date on the project. And c. Status report by Redniss & Mead -- discuss guidelines for staff in moving forward: Frank Rice complemented T. Steinke on his status memo of September 28<sup>th</sup>. Chairman Gumpper indicated Loureiro Engineering Associates, Inc has been the site monitor and that they will soon be making final reports and providing as-builts. Chairman Gumpper suggests that these reports be submitted to staff with copy to Craig Flaherty of Redniss & Mead, and that Mr. Flaherty will review them with coordination/oversight by Mr. Steinke. Also, it is important for the town to compile the complete wetland permit file, and Mr. Steinke will continue to do that. Tom will review the Redniss & Mead files and have appropriate data/correspondence copied. File information may also be available through Mark Barnhardt's office.

#### B. New Business

1. 2012 Legislation and Regulations Advisory from CT DEEP. Informational. These are types of changes to be incorporated into revised/updated regulations. Staff and the Agency operate under the current statutes even though they have not yet been incorporated into our regulations. Frank Rice suggests that if a future Agency or Commission meeting is canceled, that that time be made available for regulations review.
2. IWP 2009-10-01, Black Rock Congregational Church, 3685 Black Rock Turnpike, demolish existing parish structures and construct new church, parking, and drainage structures within a regulated area. Request of William J. Fitzpatrick, Esq., to modify the approval for revised grading, etc. Annette Jacobson explained the proposed revisions and indicated staff is in agreement with such changes with three conditions outlined in the staff Sept. 28<sup>th</sup> memo.

Milan Bull *moved*, and Elizabeth Jones *seconded* to approve the revised grading with the conditions recommended by staff in the September 28 memo. *Motion passed unanimously.*

3. Request for Release of Performance Bond:

Milan Bull *moved*, and Letitia Ferguson *seconded* to approve the following bond releases as recommended by staff:

- a. IWP 2009-10-11, Sperry & Mongenel (M&R Associates), 186 Pansy Road-Lot A, New house construction within a regulated area final release of \$20,000.
- b. IWP 2009-10-04, Burr(Krook), 264 Somerset Avenue, New house construction within a regulated area final release of \$6,000.

*Motion passed unanimously.*

4. The Monthly wetland business update for the Agency was noted.

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

At this time the Agency voted to add the following item to tonight's agenda. Milan Bull *moved*, and Catherine O'Donnell *seconded* to add the item. *Motion passed unanimously.*

Ms. Jacobson explained that the public hearing on IWPA 2012-13-03, Cocco & Piekarski, portion of 120 & 144 Tuller Road & Little Brook Road, Assessor's Map 46 Parcel portion of 27 & 27A, Subdivision Construction, Grading & Drainage within a regulated area, had previously been set for November 1, 2012. However, the applicant's consultant is not available that evening, and the applicant request the public hearing be set for December 6, 2012 with the offer of a 65-day extension. Staff recommends the change. Milan Bull *moved*, and Elizabeth Jones *seconded* to have the public hearing December 6, 2012 as requested. *Motion passed unanimously.*

ADJOURNMENT: There being no further business to come before the Commission, Milan Bull *moved*, and Elizabeth Jones *seconded* to adjourn at 7:58. *Motion passed unanimously.*

Respectfully,

Annette Jacobson  
Conservation Administrator

G:\CONSERVATION\inland wetlands\MINUTES\2012\DRAFTS\October 4 FIRST DRAFT ASJ.doc

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