

**CONSERVATION COMMISSION
FAIRFIELD, CONNECTICUT
MINUTES OF INLAND WETLAND AGENCY MEETING
April 4, 2013**

The Conservation Commission, acting as the Inland Wetland Agency of the Town of Fairfield, held a Meeting on April 4, 2013 in Meeting Room II of the Honorable John J. Sullivan Independence Hall, 725 Old Post Road, Fairfield, CT.

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

NOTE: Minutes are prepared and the items below are listed in the order that they were addressed/discussed by the Inland Wetlands Agency.

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

IV. INLAND WETLANDS-LEGAL/ENFORCEMENT ACTION

At 7:31 p.m. Kathleen Maxham *moved*, and Catherine O'Donnell *seconded* to go into closed Executive Session to discuss the following two matters of pending litigation with Assistant Town Attorney Noel Newman and Conservation Staff. *Motion passed unanimously.*

1. Wetland & Watercourse Violation at 1157 Congress Street, Originally Klanchich in 1983, now Bragg & Larkin.
2. Wetland & Watercourse Violation at 1159 Redding Road, Red 11 LLC (aka DiNardo)

At 7:52 p.m., Kathleen Maxham *moved*, and Elizabeth Jones *seconded* to go back into public session. *Motion passed unanimously.* Chairman Gumper announced that no motions were made during closed executive session, and that no further discussion would be had on these two matters this evening.

III. BILLS AND COMMUNICATIONS

- A.** Approval of Minutes of Meeting February 7, 2013: Kathleen Maxham *moved*, and Sam Boyarsky, *seconded* to approve the meeting minutes of February 7, 2013. *Motion passed unanimously.*

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B. REGULATIONS REVISIONS---Status—in progress

Kathleen Maxham reported that she had conducted an exhaustive study to locate a computer program that would compare the various regulations, but was not successful. Commissioner Maxham recommended that the Agency start with the State Regulations and make amendments. Thomas Steinke noted that Annette Jacobson has been working on the regulations in an effort to provide the Agency with a draft; hopefully this can be available for the May meeting. Mr. Steinke further noted that the Town's regulations are very similar to the state model regulations, and that the State of Connecticut had eventually adopted the Town of Fairfield's original language. Frank Rice noted that he had prepared his draft in a format that would be easier to read, and that he had anticipated that the Commission would have revisions. Chairman Gumper indicated that he would like the new draft provided to the Commission electronically to avoid the distribution of a paper copy.

V. INLAND WETLANDS DELIBERATIVE SESSION:**A. OLD BUSINESS**

1. IWPA 2012-13-04, Rotando, 5060 Congress Street; Assessor's Map 167, Parcel 3 Subdivision Construction within a regulated area.

Annette Jacobson provided the Agency with a description of the project, noting that the wetland areas are off-site – in the front and the back. Following discussion, Felicia Watson *moved*, and Sam Boyarsky *seconded* to approve the application, with all Staff recommended Findings of Fact, together with all standard and specific conditions. *Motion passed unanimously*. The letter conveying the decision of the Agency is attached hereto as Exhibit A.

B. NEW BUSINESS

1. FEE WAIVER - CWC 2012-13-43 Jarret, 45 South Benson Common - Deck proposal. Request to waive all fees except state fees. Annette Jacobson advised the Agency that the Certificate of Wetlands Conformance is for the construction of a deck and that the applicant is seeking a waiver of all fees, but is willing to pay the State required fee of \$60.00. Chairman Gumper noted the Board of Finance's position regarding fees. Following discussion, Elizabeth Jones *moved* and Sam Boyarsky *seconded* to deny the request for a fee waiver. *Motion passed unanimously*.

Sam Boyarsky recused himself on the following matter:

2. FEE WAIVER –IWPA 2012-13-06, Stuhlman, 65 Norcliff Lane. Demolition of existing house and construction of new elevated house proposal. Requests Waiver of all Application Fees totaling \$2070, except \$60 State Fee. Approval Fees (\$2890 + \$150) - not requested to be waived. See Attachments within IWPA submittal. Annette Jacobson noted that the applicant is only seeking to have the application fee waived, not those fees that would be required subsequent to a permit approval. The homeowner -applicant, Mr. Stuhlman was present this evening and advised the Agency that he has been a Fairfield resident and taxpayer for twenty years, and discussed the extreme financial hardship he has faced following Hurricane Sandy. Following considerable discussion by the Agency, Kathleen Maxham *moved* and Felicia Watson *seconded* to approve the request for a fee waiver. *Motion passes unanimously, with Sam Boyarsky abstaining*.

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VI. NEW APPLICATIONS

2. IWPA 2012-13-06, Stuhlman, 65 Norcliff Lane; Assessor's Map 138, Parcel 103
Demolish existing House & Construct new elevated Dwelling within a regulated area.
Agency date of receipt: March 7, 2013 (even though meeting was canceled).

Annette Jacobson advised the Agency that the house on the site was significantly damaged during Storm Sandy. Ms. Jacobson further indicated that although the application was straightforward and Staff was recommending approval, additional information such as elevations, topography, drainage, etc. will need to be shown on the plans. Following discussion, Felicia Watson *moved*, and Catherine O'Donnell *seconded* to approve the application, together with all Staff recommended Findings of Fact, and all standard and specific conditions. Motion passed unanimously. The letter conveying the decision of the Agency is attached hereto as Exhibit B.

Felicia Watson recused herself on the following matter:

1. IWPA 2012-13-05, 908B, LLC, 910 Burr Street and Shetland Road
Assessor's Map 150 Parcel 15A; Drainage within a regulated area.
Agency date of receipt: March 7, 2013 (even though meeting was canceled).

Annette Jacobson advised the Commission that the property has a lot of regulated area; that the house is currently under construction – in accordance with a staff approved certificate of wetlands conformance. The applicant is now seeking to have the foundation drain – a gravity system, go through the regulated area. Following discussion, Kathleen Maxham *moved* and Catherine O'Donnell *seconded* to approve the application, together with the Staff recommended Findings of Fact, and all standard and specific conditions of approval. Motion passed unanimously, with Felicia Watson abstaining. The letter conveying the decision of the Agency is attached hereto as Exhibit C.

3. IWPA 2012-13-07, Round Hill Road Associates, 209 Brookbend Road
Assessor's Map 179, Parcel 5
Demolish existing House & Construct new Dwelling within a regulated area.

Following discussion, Sam Boyarsky *moved* and Elizabeth Jones *seconded* to table the matter pending legal notice and departmental review. Motion passed unanimously.

SUPPLEMENTAL AGENDA:

1. IWPA 2012-13-08, Matthews, 254 Penfield Road
Assessor's Map 182, Parcel 15A
Construct new Elevated Dwelling within a regulated area.

Following discussion, Sam Boyarsky *moved* and Elizabeth Jones *seconded* to table the matter pending legal notice and departmental review. . Motion passed unanimously.

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VIII ADJOURNMENT: There being no further business to come before the Commission, Kathleen Maxham *moved*, and Sam Boyarsky *seconded* to adjourn at 8:37 p.m. *Motion passed unanimously.*

Respectfully

Jacqueline Brown

DRAFT