

**CONSERVATION COMMISSION  
FAIRFIELD, CONNECTICUT  
MINUTES OF INLAND WETLANDS AGENCY SPECIAL MEETING  
JULY 18, 2013**

The Conservation Commission, acting as the Inland Wetlands Agency of the Town of Fairfield held a Special Meeting on July 18, 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 Chairman; Frank Rice; Elizabeth Jones, Catherine O'Donnell, Secretary, and Samuel Boyarsky. **ALTERNATES:** Richard D'Amico and Felicia B. Watson. **ABSENT:** Richard Santalesa. Also Present: Annette Jacobson, Conservation Administrator, Edward Jones, Open Space Manager, and members of the public and press.

**I. CALL TO ORDER:** The meeting was called to order at 7:35 p.m. by Kevin Gumper.

**II. APPOINTMENT OF ALTERNATES:** See below.

**III. INLAND WETLANDS DELIBERATIVE SESSION**

Vice Chairman Kathleen Maxham recused herself on the following matter and left the room at this time. Chairman Gumper appointed Felicia Watson as Chairman Pro Tem; Richard D'Amico was appointed to sit as a full member.

Kevin Gumper, Elizabeth Jones, and Catherine O'Donnell reported that they had listened to the meeting tapes, reviewed the exhibits presented at the public hearing on July 11, 2013, and they were eligible to vote on the following matter.

**A. OLD BUSINESS**

IWPA 2012-13-10, MTW Properties, LLC 2500 Hillside Road; Assessor's Map 170, Parcel 8. Subdivision construction within a regulated area:

Samuel Boyarsky *moved*, and Catherine O'Donnell *seconded* to approve the application with all standard and specific conditions of approval as recommended by Staff. Following the motion, the Agency discussed the matter.

Samuel Boyarsky noted the high water table, the fencing requirement relative to the easement, and recommended splitting the Schedule B fee in half for each building lot. Kevin Gumper inquired whether the fee would be different if they were building ten lots. Annette Jacobson noted that this fee is a set fee per year, irrelevant of the amount of lots that are being developed. The Applicant is proposing that they pay half of the Schedule B fee when they develop the first lot and then the other half of the fee when the second lot is being developed. Elizabeth Jones was not in favor of splitting the fees this way. Frank Rice noted that the Agency agreed to do this on a Pansy Road

**DRAFT MINUTES SUBJECT TO REVIEW, CORRECTION AND APPROVAL BY  
THE CONSERVATION COMMISSION OF THE TOWN OF FAIRFIELD**

development. Kevin Gumpper noted that our fees are high, although the Town Board of Finance does not believe the fee is high and that the costs are representative of the cost(s) incurred by the Town of Fairfield to run the Inland Wetland program. Frank Rice was in favor of splitting the fees; the consensus of the other members was to require the full \$7,130.00 per year. The Agency discussed the fence which would be required to protect the easement. It was noted that the conservation easement would not be offered in the event that there was a portion of the property deeded to Audubon. The Agency then discussed the bio-swale basin areas. Kevin Gumpper suggested that split rail fencing be required in the area facing the homes to protect the area easement. It was the consensus of the Agency to require the split rail fencing to protect the bio-swale basin areas, facing the homes, as suggested by Mr. Gumpper. The Agency discussed the high ground water table and the suggested recommendation by Staff to have the proposed homes built on a slab. Commissioner Boyarsky noted that the applicant had indicated that curtain drains would be installed at the site to address the high water table, which is an issue on both lots. Kevin Gumpper indicated that it is his opinion that homes of this size, as proposed, should have a basement. Mr. Gumpper further indicated that the foundation drains will not be placed in the groundwater table and if site conditions prohibited placement of the foundation drains, then the applicant will need to find an appropriate solution. It was noted that the matters discussed this evening, and revisions to the Staff Recommendations would be incorporated in the Agency's final vote on the application.

Kevin Gumpper *moved* and Samuel Boyarsky *seconded* to approve the Staff recommended Findings of Fact A through L, inclusive. *Motion passed unanimously.*

Kevin Gumpper *moved* and Samuel Boyarsky *seconded* to approve the Staff recommended Standard and Specific Conditions of Approval with the following revisions:

Specific Condition 1(a) 2 is omitted;

Specific Condition 1(a) 5 is revised to reflect that the split rail fencing in the bio-swale basin areas only be required in the area facing the homes;

Specific Condition 1(b) 2 is omitted;

Specific Condition 1(b) 7 is revised to reflect that the split rail fencing in the bio-swale basin areas only be required in the area facing the homes; and

*Specific Conditions 1(a) 4 and 1(b) 6 (and \*5(c)) will be addressed in the future in the event the Audubon does not take title to a portion of the property, as proposed by the Applicant, and a Conservation Easement will be included as part of this approved application, and recorded on the Town Land Records.*

*Motion passed unanimously.*

A copy of the Decision of the Inland Wetlands Agency is attached hereto as Exhibit A.

*Reference is hereby made to the offer of compromise by counsel for the Applicant, Attorney Michael Bologna, at the July 11, 2013 public hearing in which he proposed as an alternative to no basements being permitted, that the footings and basements would be above the groundwater level. See Public Hearing Exhibit #2 submitted by Michael Bologna on July 11, 2013 on file in the Fairfield Conservation Department.*

*On August 1, 2013, the Inland Wetland Agency unanimously voted to amend these minutes to reflect: Item III, Section A, Specific Conditions 1(a)2 and 1(b)2 shall read "Basements are allowed but only to the ground water table."*

## **VII. ADJOURNMENT**

There being no further business to come before the Commission, Elizabeth Jones *moved* and Frank Rice *seconded* to adjourn at 8:01 p.m. *Motion passed unanimously.*

Respectfully submitted,  
Betty Gabriel