

**TOWN OF FAIRFIELD
CONSERVATION COMMISSION
INLAND WETLANDS AGENCY MEETING
MEETING MINUTES – August 1, 2013**

The Conservation Commission, acting as the Inland Wetlands Agency, of the Town of Fairfield held a regular meeting on August 1, 2013 at 7:30 PM in the Second Floor Conference Room of the Fairfield Board of Education, 501 Kings Highway East, Fairfield, Connecticut

MEMBERS PRESENT: MEMBERS PRESENT: Kevin Gumpper, Chairman; Kathleen N. Maxham, Vice Chairman; Catherine O'Donnell, Secretary; Sam Boyarsky; Richard D'Amico, Alternate; Elizabeth Jones; Frank Rice; Felicia B. Watson, Alternate

MEMBERS ABSENT: Richard Santalesa

ALSO PRESENT: Thomas J. Steinke, Conservation Director; Annette Jacobson, Conservation Administrator; Edward Jones, Wetlands Compliance Officer

I. CALL TO ORDER: Kevin Gumpper, Chairman, called the meeting to order at 8:30 PM

II. APPOINTMENT OF ALTERNATES - Richard D'Amico was appointed to sit as a full member.

III. BILLS AND COMMUNICATIONS

A. Approval of Minutes of meeting on July 11, 2013

Felicia Watson *moved*, Sam Boyarsky *seconded* to approve the meeting minutes of July 11, 2013 *Motion passed unanimously.*

B. Approval of Secretary's Bill for July 11, 2013

Kathleen N. Maxham *moved*, Catherine O'Donnell *seconded* to approve the secretary's bill for July 11, 2013. *Motion passed unanimously.*

C. Approval of Minutes of meeting on July 18, 2013

Catherine O'Donnell *moved*, Sam Boyarsky *seconded* to approve the meeting minutes of July 18, 2013 with a correction in Item III, Section A, Specific Conditions 1(a)2 and 1(b)2 to read "Basements are allowed but only to the ground water table." *Motion passed unanimously.*

D. Approval of Secretary's Bill for July 18, 2013

Kathleen N. Maxham *moved*, Elizabeth Jones *seconded* to approve the secretary's bill for May 23, 2013. *Motion passed unanimously.*

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

E. Regulations Revisions

No discussion

IV. INLAND WETLANDS DELIBERATIVE SESSION

A. Old Business

1. IWPA 2012-13-09, Rice, 3 Hickory Lane; Assessor's Map 152, Parcel 24A; Construct new dwelling within a regulated area

The applicant will run out of time as all extensions have been used and the commission would be past the legally required time by the next meeting on September 12, 2013. Kevin Gumper recommended this application be withdrawn and allowing the applicant to reapply and that fees be waived except for state due to the delayed meeting schedule due to religious observance days. The commissioners arrived at a consensus on Kevin Gumper's recommendation.

2. IWPA 2012-13-11, MTW Properties, LLC, 600 Hoydens Lane; Assessor's Map 67, Parcel 10A; Subdivision construction within a regulated area

Kathleen N. Maxham recused herself and left the room

Annette Jacobson recommended approval of the application with standard and specific conditions. She discussed details of drawings and erosion control.

Sam Boyarsky *moved*, Elizabeth Jones *seconded* to adopt the suggested findings of fact. Motion passed unanimously.

Elizabeth Jones *moved*, Sam Boyarsky *seconded* to adopt the standard and specific conditions and to approve the application. Motion passed unanimously. The letter conveying this decision is attached (A).

Kathleen N. Maxham returned to the meeting

B. New Business

1. 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; Request of John Fallon, Esq. to determine whether proposed plan revisions to change a 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.

While the Conservation Commission had already received enough information to to schedule a hearing on the request, the Inland Wetlands Agency now received a response to its referral of a request for review and comment to the Town Engineer in a July 19, 2013 memorandum from Joseph Michelangelo, P.E., Director of Public Works, enclosing the July 1 2013 report of GHD Inc., consulting engineers for the Town sanitary sewer authority.

Elizabeth Jones *moved*, Kathleen N. Maxham *seconded* to hold a special public hearing on September 12, 2013. It was the intent to have the Conservation Commission hearing immediately after the Inland Wetland Agency hearing in the same place on the same evening. *Motion passed unanimously.*

2. Monthly wetlands business update for the Agency

Thomas J. Steinke reported that the Conservation Department has adopted a schedule to eliminate the six month backlog for bond releases within three months and that going forward it is hoped that bonds could be released in approximately 10 days, without agency review unless the status quo changes.

V. NEW APPLICATION

1. IWPA 2013-14-01, Vinograd, 4800 Congress Street; Assessor's Map 167, Parcel 1; Subdivision construction within a regulated area

Elizabeth Jones *moved*, Kathleen N. Maxham *seconded* to table the application pending legal notice and departmental review. *Motion passed unanimously.*

Supp. Agenda III. INLAND WETLANDS DELIBERATIVE SESSION

A. New Business

1. Declaratory ruling request by Peter Gelderman, Esq. regarding 54 Sasco Hill Road, Assessor's Map 231, Parcel 433; Request to determine no inland wetland and watercourse jurisdiction

Annette Jacobson discussed that in 1986, construction occurred pursuant to an inland wetland permit and at that time there were inland wetland soils on the property. A new survey indicates that the only remaining wetland soil area is within tidal wetlands. At the time of the addition to the structure in the 1980s, the entire structure was within UDW soils.

The wetlands were filled-in when the addition was built. A declaratory ruling would result in this property no longer being under inland wetlands jurisdiction because there no longer is inland wetlands soil on the property.

The commissioners discussed permitting and differing standards over the years. Thomas J. Steinke explained the difference between tidal wetlands and inland wetlands jurisdiction.

Thomas J. Steinke recommended endorsement of the declaratory ruling and Annette Jacobson recommended the agency make findings.

Kathleen N. Maxham *moved*, Sam Boyarsky *seconded* to find that the parcel at issue no longer has inland wetlands on the site, appearing to have lost the same during construction done pursuant to a permit in 1986. *Motion passed unanimously.*

Kathleen N. Maxham *moved*, Elizabeth Jones *seconded* to find that there is no longer inland wetlands jurisdiction because no inland wetlands soil exists. *Motion passed unanimously.*

VI. OTHER

None

VII. ADJOURNMENT

There being no further business to come before the Commission, Kathleen N. Maxham *moved*, Elizabeth Jones *seconded* to adjourn at 9:05 PM. *Motion passed unanimously.*

Respectfully submitted,
Anthony Monelli