

**CONSERVATION COMMISSION  
FAIRFIELD, CONNECTICUT  
INLAND WETLANDS MEETING MINUTES  
November 7, 2013**

The Conservation Commission, acting as the Inland Wetland Agency of the Town of Fairfield, held a Meeting on November 7, 2013 in MEETING ROOM II of Independence Hall, 725 Old Post Road, Fairfield, CT.

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

**I. CALL TO ORDER:** The meeting was called to order at 7:31 p.m. by Vice Chair, Kate Maxham.

**II. APPOINTMENT OF ALTERNATES:** Felicia Watson was appointed to sit as a full member.

**III. BILLS AND COMMUNICATIONS**

A. Approval of Minutes of Meeting October 3, 2013: Elizabeth Jones *moved*, and Felicia Watson *seconded* to approve the October 3, 2013 meeting minutes. *Motion passed unanimously.*

B. Approval of recording secretary's bill of October 3, 2013: Frank Rice *moved*, and Elizabeth Jones *seconded* to approve the recording secretary's bill of October 3, 2013. *Motion passed unanimously.*

C. REGULATIONS REVISIONS - Under review by Staff.

**IV. INLAND WETLANDS-LEGAL/ ENFORCEMENT ACTION**

1. Wetland & Watercourse Violation at 1157 Congress Street, Originally Klanchich in 1983, now Bragg & Larkin. Request of Asst Town Attorney for action.

Catherine O'Donnell *moved* for the Commission go into Executive Session regarding this pending legal matter, inviting the Assistant Town Attorney and staff, and Elizabeth Jones *seconded* at 7:34 p.m. *Motion passed unanimously.*

Catherine O'Donnell *moved* to go out of Executive Session, and Elizabeth Jones *seconded* at 7:43 p.m. *Motion passed unanimously.*

The meeting resumed, and Kate Maxham announced that no motions were made or votes taken during the closed session.

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

Felicia Watson *moved* and Sam Boyarsky *seconded* to give Attorney Bologna 60 days to submit an IWPA regarding this Bragg/Larkin violation matter, and if such IWPA is not submitted within that deadline, to authorize our Counsel to seek resolution through appropriate court/lawsuit action. *Motion passed unanimously.*

## V. INLAND WETLANDS DELIBERATIVE SESSION:

### A. OLD BUSINESS

1. IWPA 2013-14-04, Love Where You Live Homes, 310 Penfield Road  
Assessor's Map 139 Parcel 198  
Demolished existing House and Rebuild Elevated House within a regulated area.  
Application received September 12, 2013  
Last day for public hearing or decision is November 6, 2013.  
Last regular meeting prior is November 7, 2013.

Staff recommends Approval with Conditions.

Sam Boyarsky *moved* to accept the findings of fact as recommended by staff, *seconded* by Felicia Watson. *Motion passed unanimously.*

Felicia Watson *moved* to approve the application with the standard and specific conditions as recommended by staff; *seconded* by Sam Boyarsky. *Motion passed unanimously.* The letter conveying the decision is attached (A).

2. IWPA 2013-13-04, Cavaliere, 220 Wellington Drive  
Assessor's Map 251 Parcel 36E  
Construct House, Pool, Pool House & subsurface sewage disposal system within a regulated area.  
Application received October 3, 2013  
Last day for public hearing or decision is December 7, 2013.  
Last regular meeting prior is December 5, 2013.

Staff recommends tabling pending departmental review.

Elizabeth Jones *moved* to table the matter pending departmental review; Sam Boyarsky *seconded.* *Motion passed unanimously.*

3. IWPA 2013-14-06 Melish & McNab, 1536 Redding Road  
Assessor's Map 171 Parcel 47  
Pond Dredging within a regulated area.  
Application received October 3, 2013  
Last day for public hearing or decision is December 7, 2013.  
Last regular meeting prior is December 5, 2013.

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Staff recommends tabling pending departmental review.

Elizabeth Jones *moved* to table the matter pending departmental review; Felicia Watson *seconded*. *Motion passed unanimously*.

## B. NEW BUSINESS

1. Monthly wetland business update for the Agency. This was noted.

**VI. NEW APPLICATIONS** - Formal acceptance and start of 65 day legal timeframe, determination of application significance, fee, and scheduling of public hearing, if necessary, and/or decision on the application.

1. IWPA 2013-14-07, Black Rock Investments, LLC, 285 Papermill Lane  
Assessor's Map 180 Parcel 352D  
Demolish existing House & Construct New House within a regulated area.  
As per PA 96-157 the Agency shall not hold a public hearing unless the proposal may have a significant impact on the wetlands or a watercourse, or a proper petition is received, or a public hearing is in the public interest.  
Application type per staff: Significant or Non-significant.  
Public Hearing petition received: Yes or No as of 10-31-13.  
Petition period ends 11-21-13/  
Is a public hearing in the public interest?  
Last day for public hearing or decision is January 11, 2014.  
Last regular meeting prior is January 2, 2014.

Staff recommends tabling pending legal notice and departmental review.

Catherine O'Donnell *moved* to table the application pending legal notice and departmental review, and *seconded* by Sam Boyarsky. *Motion passed unanimously*.

## VII. PUBLIC HEARING

IWPA 2013-14-03--Decision may be made if the hearing is completed, or the hearing may be continued. The public hearing original 35 day timeframe ends on December 12, 2013. A 65-day extension may be provided by the applicant allowing continuation of the hearing to February 15, 2014. If the hearing is completed the decision shall be made within 35 days of the close of the hearing. Potential continuation dated is December 5, 2013.

IWP 2003-08 has no hearing deadlines.

1. CONTINUED FROM SEPTEMBER 12, 2013 & OCTOBER 3, 2013  
IWP 2003-08, Black Rock Realty, LLC and Town of Fairfield

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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 a change requires a permit modification and/or new permit. See Attached.

Staff recommends Continuation to December 5, 2013.

The hearing was opened and immediately continued at 7:52p.m. The hearing was recorded and is available at the Conservation Department office.

Elizabeth Jones *moved* to continue matter in order to receive a report from the Town's Consultant to December 5, 2013, Mr. Rice *seconded*. *Motion passed unanimously.* (This hearing may be held jointly with the Conservation hearing on Open Space issues.)

2. IWPA 2013-14-03, Gorelick, 3250 North Street  
Assessor's Map 215 Parcel 11A  
Construct new Dwelling and septic system within a regulated area.

LEGAL NOTICE PROBLEM - RE-SCHEDULED to November 21, 2013.

### VIII. OTHER

1. Engineering Department will hold an informational meeting on replacing the Valley Road Bridge over Horse Tavern Brook on Tuesday, November 12, 2013.
2. Commissioner Rice is given a heartfelt thank you from the Commission Members and Staff for his service on the Commission.

**IX. ADJOURNMENT:** There being no further business to come before the Wetlands Commission, Elizabeth Jones *moved* and Catherine O'Donnell *seconded* the motion to adjourn at 7.54 p.m.

Respectfully,

Jacqueline Brown  
Recording Secretary

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