

**CONSERVATION COMMISSION
FAIRFIELD, CONNECTICUT
MINUTES OF
INLAND WETLAND AGENCY MEETING
December 5, 2013**

The Conservation Commission, acting as the Inland Wetland Agency of the Town of Fairfield, held a Meeting on December 5, 2013 in MEETING ROOM II of Independence Hall, 725 Old Post Road, Fairfield, CT.

MEMBERS PRESENT: Kevin Gumper, Chairman; Kate Maxham, Vice Chair; Sam Boyarsky. **ALTERNATES:** Felicia Watson; Richard D'Amico. **ABSENT:** Richard Santalesa, Catherine O'Donnell, Secretary, Elizabeth Jones. 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.

I. CALL TO ORDER: The meeting was called to order at 7:34 p.m. by Chairman Gumper.

II. APPOINTMENT OF ALTERNATES: Felicia Watson and Richard D'Amico were appointed to sit as full members.

III. BILLS AND COMMUNICATIONS

A. Approval of Minutes of Meeting of October 17, 2013. Felicia Watson *moved*, and Sam Boyarsky *seconded* to approve meeting minutes. *Motion passed unanimously.*

B. Approval of recording secretary's bill for October 17, 2013. Kate Maxham *moved*, and Sam Boyarsky *seconded* to approve the recording secretary's bill for October 17, 2013. *Motion passed unanimously.*

C. Approval of Minutes of meeting November 7, 2013. Sam Boyarsky *moved*, and Kate Maxham *seconded* to approve meeting minutes. *Motion passed unanimously.*

D. Approval of recording secretary's bill of November 7, 2013. Kate Maxham *moved* and Felicia Watson *seconded* to approve the recording secretary's bill for November 7, 2013. *Motion passed unanimously.*

E. REGULATIONS REVISIONS --- UNDER REVIEW

IV. INLAND WETLANDS DELIBERATIVE SESSION:

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

A. OLD BUSINESS

1. IWPA 2013- 14-05, Cavaliere, 220 Wellington Drive
Assessor's Map 251 Parcel 36E
Construct House, Pool, Pool House and subsurface sewage disposal system

Sam Boyarsky *moved* and Kate Maxham *seconded* to accept the staff recommended findings of fact. Motion passed unanimously. Sam Boyarsky *moved* and Felicia Watson *seconded* a motion to approve subject to the staff recommended standard and specific conditions of approval. Motion passed unanimously. The letter conveying the decision of the Agency is attached (A).

Chairman Gumpper recused himself from the following matter and left the room. Kate Maxham chaired the following matter.

2. IWPA 2013-14-06, Melish & McNab, 1536 Redding Road
Assessor's Map 171 Parcel 47
Pond Dredging within a regulated area.

Felicia Watson *moved* and Sam Boyarsky *seconded* a motion to accept the finding of facts. Felicia Watson *moved* and Sam Boyarsky *seconded* a motion to accept the specific conditions of approval with the exception of 1A, and allow for a depth of ten feet unless bedrock is hit prior to that ten feet. Standard conditions of approval also accepted. Motion passed unanimously. The letter conveying the decision of the Agency is attached (B).

3. IWPA 2013-14-07, Black Rock Investments, LLC, 285 Papermill Lane
Assessor's Map 180 Parcel 35
Demolish existing House & Construct New House within a regulated area.

Kate Maxham *moved* and Felicia Watson *seconded* tabling the matter pending departmental review. Motion passed unanimously.

B. NEW BUSINESS

1. Monthly wetland business update for the Agency. See Attached.
Mr. Steinke reported the elimination of a six month backlog in performance bond releases as of October 1st.

V. NEW APPLICATIONS - Formal acceptance and start of 65 legal time frame, determination of application significance, fee, and scheduling of public

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hearing, if necessary, and/or decision on the application.

1. IWPA 2013-14-08, Garden Homes Management, 92 & 140 Bronson Road
Assessor's Map 229 Parcels 20 & 22
Demolish existing structures & Construct new Apartment Building , parking
and drainage within a regulated area.

Kate Maxham *moved* and Felicia Watson *seconded* a motion to find the application significant and to schedule a public hearing on February 6, 2014.
Motion passed unanimously.

2. IWPA 2013-14-09, Berwick Fairchild & Associates, LLC, 110 Berwick
Avenue & 145 Fairchild Avenue
Assessor's Map 79 Parcels 19 & 45
Demolish existing structures and Construct new 33-unit Residential Building
within a regulated area.

Sam Boyarsky *moved* and Felicia Watson *seconded* a motion to find the application non-significant and to table the matter pending legal notice and departmental review. *Motion passed unanimously.*

VI. STATUS OF APPLICATIONS PREVIOUSLY FILED

--Awaiting continued public hearing January 2, 2014
CONTINUED FROM NOVEMBER 21, 2013
IWPA 2013-14-03, Gorelick, 3250 North Street
Assessor's Map 215 Parcel 11A
Construct new Dwelling and septic system within a regulated area.

VII. PUBLIC HEARING

1. CONTINUED FROM SEPTEMBER 12, 2013
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.

(This hearing was held jointly with the Conservation hearing on Open Space issues)

The hearing was opened at 7:55 p.m.

Chairman Gumpfer stated that whatever the decision of the Commission is tonight on any of the motions decided at this meeting will have nothing to do, and is not precedential, and is not to be taken as approval of any of the issues related to the separate matters of the performance bond release, or the “done-ness” of the Open Space easement area.

Mr. Steinke reiterated his recommendations from his memorandum of September 3, 2013 that went to the Commission.

Several people spoke including Ed Jones, WCO/OSM; Kathryn Braun, RTM member; Jan Reber; Gaylord Meyer, RTM member; and Richard Petinelli, Parsons Brinkerhoff.

John Fallon, Esq. specifically noted that the 30” sanitary sewer pipe between the Post Road and Ash Street should be replaced for “peak” usage; and that the proposed apartment building natural gas utility meter access would be provided from inside the building/parking garage and that no disturbance of the Conservation easement would result from future maintenance/service of these units.

The public hearing was closed at 8:50 p.m.

Kate Maxham indicated that this request is a Declaratory ruling request, and moved and Felicia Watson seconded a motion to declare that there are no additional impacts on inland wetlands and there are no new regulated activities and that the applicant does not need to apply for a new inland wetland permit. Motion passed unanimously.

Chairman Gumpfer recommends that the TPZ thoroughly investigate the sanitary sewer issue.

VIII. OTHER

- IX. ADJOURNMENT:** There being no further business, Sam Boyarsky moved and Felicia Watson seconded a motion to adjourn at 9:03 p.m. Motion passed unanimously.

Respectfully,

Jacqueline Brown
Recording Secretary