

**TOWN OF FAIRFIELD  
SHELLFISH COMMISSION  
MEETING MINUTES – March 10, 2010**

The Shellfish Commission of the Town of Fairfield held a meeting on March 10, 2010 at 7:30 PM in the Second Floor Conference Room of the Honorable John J. Sullivan Independence Hall, 725 Old Post Road, Fairfield, Connecticut

**MEMBERS PRESENT:** Edward Crowley Jr., Chairman; Sanford J. Wakeman Jr., Vice Chairman; Gregory D. Lanute, Secretary; S. James Baum, MD; Cathy Raynor-Catropa; Sally Harold; David Thornton

**MEMBERS ABSENT:**

**ALSO PRESENT:** Thomas J. Steinke, Conservation Director; Milan Bull, Conservation Commission; John Hilts

**CALL TO ORDER:** Edward Crowley Jr., Chairman, called the meeting to order at 7:30 PM

**I. BILLS AND COMMUNICATIONS**

A. Meeting Minutes of January 13, 2010

Gregory D. Lanute *moved*, Sally Harold *seconded* to accept the minutes of January 13, 2010 with a correction in Section II, Item E, Paragraph Two substituting the existing paragraph in favor of “Furthermore, David Carey of DA/BA told Sally Harold that he proposed that Fairfield be considered as a test case town with the EPA so additional funds might be made available.” *Motion passed unanimously.*

B. Meeting Minutes of February 10, 2010

Meeting cancelled due to inclement weather

C. Committee Reports

1. *Clam Relay/Planting:* Crowley – No report presented this evening
2. *Water and Habitat Quality:* Wakeman, Harold, Raynor-Catropa – Sanford J. Wakeman Jr. reported that sampling has been generally positive.
3. *Permits and Access:* Thornton – No report presented this evening, however, the Commissioners discussed possible fees for the public in obtaining permits.

Sally Harold *moved*, David Thornton *seconded* to purchase 500 permits for recreational shellfishing. *Motion passed unanimously.*

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

4. *Commercial Shellfish Regulations*: Crowley, Wakeman, Harold – No report presented this evening
5. *Oyster Bed Development*: Lanute, Thornton, Harold – No report presented this evening

## II. OLD BUSINESS

### A. CT DEP-OLISP and US ACOE Application(s) of Philip DeGennaro, Proposed Non-Harbor Mooring in Long Island Sound, near 607 Fairfield Beach Road, Fairfield

Thomas J. Steinke presented a map of the area and noted that he sought input from DA/BA regarding issues that affect the proposal. He also discussed a mooring product by Hazlett Marine. DA/BA responded that ten or fewer boats at a site would not be a problem; otherwise there would be adverse impacts and degradation of water quality. In any case, a decision in this matter would set a precedent.

John Hilts, agent for the applicant, questioned the Commissioners and engaged in a discussion about the application.

Thomas J. Steinke discussed the possibility and his concerns regarding locating moorings near the town sewage outfall, where there are no natural shellfish beds. Of further concern are what limitations can be put on the public obtaining moorings such as fees, total number of moorings and residency restrictions.

Edward Crowley Jr. suggested denying the permit but looking into incorporating mooring procedures into an ongoing commission. Thomas J. Steinke cautioned that any denial should include specific reasoning for DEP.

Gregory D. Lanute *moved*, Sally Harold *seconded* to deny the application until such time as the applicant appraises the Commission as to how he will address the proposed mooring's location having as little impact on natural beds as possible, habitat destruction in terms of mooring anchor and hardware and water quality degradation due to potential fecal bacteria contamination. *Motion passed unanimously.*

### B. CT DEP-OLISP Application #200800754-TS; of T. George Vatis, pier and float removal and construction of pier-ramp-float in Pine Creek at 353 Old Dam Road, Fairfield

Thomas J. Steinke presented an aerial photo showing the proposed construction, original structure and tidal wetlands area.

He recommended building the new structure in place of the existing one.

John Hilts presented existing and proposed plan drawings. He noted that the location selection was in compliance with keeping the channel open 50 feet and that the slope of the proposed construction area is too steep to sustain tidal wetlands. Furthermore, the ramp is positioned in such a way to allow grass to grow.

Thomas J. Steinke suggested that if the Commission approves the application, any approval be conditional upon the boat being berthed as proposed so it would not obstruct the width of the channel.

Gregory D. Lanute *moved*, Sally Harold *seconded* to approve the application with the condition that any vessel berthing location be restricted to the location specified in the proposal to ensure that it does not conflict with the 50 foot wide fairway in the channel. *Motion passed unanimously.*

C. Review Re: Charging Fees to Set Moorings, Anchors and Pilings in Natural Beds within Fairfield Shellfish Commission's Jurisdiction – Discussion

No discussion

D. Shellfish Commission Proposed Budget for Fiscal Year 2010-2011

The budget hearing will be held on Tuesday, March 16<sup>th</sup> at the Board of Education with no presentation made by staff.

E. Sanitary Survey of Shoreline – Discussion

Thomas J. Steinke reported his concerns about the town's rights to access property. He also reported that he spoke with an official from Westport and received a less than enthusiastic response regarding surveying the Sasco River border area. It may be better for the town not to conduct the survey and let the state complete it in 2012-2013.

DA/BA notified Thomas J. Steinke that Fairfield is a test case town for DNA testing of fecal bacteria. If the tests indicate that the bacteria are non-human, i.e. that of wildlife, then nothing can be done with respect to remediation. He would like more information before any further expenditure of funds occurs.

### III. NEW BUSINESS

A. Reopening of Fairfield Recreational Shellfishing – Review of MOU/Procedures & Agency Responsibility re: Closures – Reporting

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There is an upcoming meeting of relevant town agencies to agree upon a memorandum of understanding to settle upon responsible parties for required activities to allow recreational shellfishing.

B. US Army Corps of Engineers Public Notice re: Availability of an Environmental Assessment Related to Federal Channel and Anchorage Areas in Bridgeport Harbor

Thomas J. Steinke described and gave background to the upcoming dredging work in Bridgeport and disposal areas for dredged material.

**IV. INFORMATIONAL**

- A. State of CT DA/BA Fairfield Sampling Results for November & December 2009 - Informational
- B. Effect of Acidification on Molluscan Shellfish – Informational
- C. 2009-2010 Budget Expenditure Status – Informational
- D. Shellfish Fund Balance – Informational
- E. License Permits issued through February 28, 2010 – Informational
- F. Phone calls for status of open or closed for January & February 2010 – Informational
- G. Website Statistics for December & January 2010 – Informational
- H. Town of Westport Shellfish Commission Meeting Minutes of December 1, 2009 and February 2, 2010 – Informational
- I. City of Norwalk Shellfish Commission Meeting Minutes of February 4, 2010 – Informational
- J. CT Sea Grant, UCONN – The Dredge, Volume 4(1): Winter 2009/2010 – Informational

**V. OTHER**

None

**VI. PUBLIC COMMENT**

None

**VII. ADJOURNMENT**

There being no further business to come before the Commission, Gregory D. Lanute moved, S. James Baum, MD seconded to adjourn at 9:35 PM. Motion passed unanimously.

Respectfully submitted,

Anthony Monelli