

**TOWN OF FAIRFIELD  
SHELLFISH COMMISSION  
MEETING MINUTES – December 14, 2011**

The Shellfish Commission of the Town of Fairfield held a meeting on December 14, 2011 at 7:30 PM in the Second Floor Conference Room of the Fairfield Old Town Hall, 611 Old Post Road, Fairfield, Connecticut

**MEMBERS PRESENT:** Edward Crowley, Chairman; Sanford J. Wakeman, Vice Chairman; Gregory D. Lanute, Secretary; Paul Nelson; David Thornton; Sally Harold

**MEMBERS ABSENT:** Cathy Raynor-Catropa

**ALSO PRESENT:** Thomas J. Steinke, Conservation Director; Mary von Conta, Chairman of the Harbor Management Commission; Nelson North of the Harbor Management Commission; and Messers. T. DeBartolomeo and J. Hilts.

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

**I. BILLS AND COMMUNICATIONS**

A. Meeting Minutes of November 9, 2011

Sanford J. Wakeman *moved*, David Thornton *seconded* to accept the minutes of November 9, 2011. *Motion passed unanimously.*

B. Committee Reports

1. *Clam Relay/Planting:* Crowley – No report presented this evening
2. *Water and Habitat Quality:* Wakeman, Harold, Raynor-Catropa – Sanford J. Wakeman reported that he visited Sasco Beach and saw no shellfishermen.
3. *Permits and Access:* Thornton – No report presented this evening
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. Report of the Election Committee

David Thornton reported that the Election Committee's recommendations are that Sanford J. Wakeman serve as Chairman, Gregory D. Lanute serve as Vice Chairman, and David Thornton serve as Secretary.

### B. Election of Officers

David Thornton *moved*, Gregory D. Lanute *seconded* to elect Sanford J. Wakeman as Chairman . *Motion passed unanimously.*

Paul Nelson *moved*, David Thornton *seconded* to elect Gregory D. Lanute as Vice Chairman. *Motion passed unanimously.*

Gregory D. Lanute *moved*, Sanford J. Wakeman *seconded* to elect David Thornton as Secretary. *Motion passed unanimously.*

### C. 2012 Meeting Schedule

Paul Nelson *moved*, David Thornton *seconded* to approve the 2012 Shellfish Commission meeting schedule. *Motion passed unanimously.*

### D. 2012-2013 Shellfish Commission Budget

Thomas J. Steinke briefly reviewed the commission's budget, noting that the main difference from the previous year's request is the removal of the funds for the sanitary survey.

Paul Nelson *moved*, David Thornton *seconded* to approve the proposed 2012 Shellfish Commission budget. *Motion passed unanimously.*

E. CT DEEP-OLISP, Notice of Tentative Determination - Notice of Intent to Waive Public Hearing, Application No. 200400010-TS, Town of Fairfield Harbor Management Commission, proposal to remove derelict structures, repair existing pier, install new community sailing dock consisting of ramp, float and piles, repair and expand existing boat ramp, install float atop existing boat ramp, and conduct new dredging for recreational boating. Proposed activities to be conducted at the Lower Wharf and Ye Yacht Yard - Status

Mary von Conta, Chairman of the Harbor Management Commission, reported that two meetings of the working group had been held. The working group has several recommendations: First, remove from the plan the float along side of the boat launching ramp. There are concerns with the rise and fall of the float with the tide and its adverse affects. Second, redesign the proposed Community Sailing program dock, which is to be located at the Lower Wharf, without the use of timber piling, i.e., it will use an anchor-and/or strut-supported float design in lieu of timber piling.

She further reported that there were concerns over the location of the timber Tee-pier for the replacement pier. She displayed the location on a map and indicated her reluctance to move the pier because any ledge or bedrock will interfere with the removal and replacement of piles on the existing pier. She indicated that the existing deteriorated Tee-pier will be removed and the replacement Tee-pier will be relocated landward toward the Lower Wharf as far as possible contingent upon the presence of ledge.

With respect to mitigation in the immediate area, she reported that the working group specifically discussed placing cultch. This is something that the working group will investigate further as to its impact on the plan, but is generally willing to pursue it. There is also the possibility of involving the aquaculture school. In addition, other locations for mitigation are possible.

Edward Crowley indicated that in the working group meeting the Shellfish Commissioners (E. Crowley, P. Nelson, G. Lanute) agreed that upon approval of the plan revisions by the Harbor Management Commission, the Shellfish Commission would also endorse it.

Thomas J. Steinke noted that the proposed revisions seem to be consistent with the Shellfish Commission's concerns.

David Thornton inquired as to locations of boats and piles, and Mary von Conta displayed maps and discussed previous construction activities in the area.

Thomas J. Steinke inquired as to removal of floats, and Mary von Conta indicated that either DPW or the community sailing program would be responsible for removal.

Edward Crowley *moved*, Paul Nelson *seconded* to endorse the proposed plan, as revised by the four conditions as proposed above, for the Southport Lower Wharf and Ye Yacht Yard conditional upon the Harbor Management Commission's approval of the same.  
*Motion passed unanimously.*

### III. NEW BUSINESS

A. CT DEEP-OLISP, Application of Mark Finneran, proposal to remove derelict timber bulkhead, rubble and debris, construct 4' wide x 10' tall x 16' long dry-set stone seawall with two 3' x 6' returns, grade 130 s.f. of upper intertidal region and perform wetland planting; construct 6' x 10' piling-supported timber pier and 4' x 12' timber walkway, at 2149 Fairfield Beach Road, Fairfield

Thomas J. Steinke briefly reviewed the application and that he had previously sent his remarks to John Hilts, the applicant's representative.

John Hilts provided background on the site. The previous flood and erosion control regulations required a steel sheet piling bulkhead 11' above sea level and 1' landward of the existing seawall. The regulations have since been revised to allow designs that systematically attain an elevation of 8'. The property is a narrow site of about 16' and is situated between two dwellings, one of which was unoccupied immediately after the hurricane as it was damaged. He reported that according to the project engineer, the neighboring property would most likely be damaged by the construction of a sheet piling seawall.

John Hilts reported that he discussed the options with the Flood Erosion Control Board and as a result of those discussions, the idea of the dry set seawall became the proposal. The proposed design meets the recommendations of that board and they have walked the site. Additionally, the plan will enhance the site environmentally by adding vegetation landward of the seawall for aesthetics and runoff containment. The proposed seawall is 24" landward from the remnants of the existing wall as a result of tide concerns expressed in previous applications.

As far as boating access, the plan does not include an attached ramp and float which would be a navigation hazard. The dock is an independent structure from the wall which will allow for shellfish access and easier replacement at the end of its useful life.

Procedurally, the proposal is eligible for tentative determination of approval by the DEEP and has received positive responses from ACOE. The Shellfish Commission will have an additional comment period during the DEEP public comment period at which point there might be some minor changes.

Finally, John Hilts indicated that there would not be a boat placed in front of the dock, and that most likely a dinghy will be stored on top of the dock. The size of the property limits the size of a boat.

There has been correspondence from the project engineers to DEEP regarding preservation of public resources, notably the road and the utilities under it. Preservation of the bulkhead on this property is key to the long term sustainability of the road and the buried utilities.

Paul Nelson inquired about the location of the dwelling, which John Hilts responded is on the water side and set up on pilings. Paul Nelson also inquired about the placement of a boat and John Hilts indicated that it would be hauled up from the water via a roller wheel.

Sally Harold noted that when the wall collapsed, stone entered the waterway. John Hilts responded that DEEP was aware and looking into the matter.

John Hilts also discussed progress on the adjacent property, which may be done with separate applications to approving agencies. He noted that his applicant and the adjacent applicant were not in a position to do a joint project.

Edward Crowley *moved*, Sally Harold *seconded* to complete the pre-application authorization form for Shellfish Comment to DEEP. *Motion passed unanimously.*

#### B. Recreational Shellfish Permits

Edward Crowley *moved*, Gregory D. Lanute *seconded* to adopt the existing shellfish permit fee schedule for 2012. *Motion passed unanimously.*

#### **IV. INFORMATIONAL**

None

#### **V. OTHER**

Thomas J. Steinke discussed the upcoming meeting on January 19, 2012 with Exide Battery and DEEP involving the town agencies. Exide and DEEP have come to an agreement on remediation of Mill River that involves a two year timeframe. He described the extent of the dredging, locations and methods for removing lead and co-located chromium, but no proposed removal of Superior Plating's chromium contamination where the chromium is not co-located with lead. That may require an independent project in the future.

Edward Crowley inquired about capping the waste and Thomas J. Steinke replied that all the waste will be removed off site. In response to questions regarding the Tidemill dam and fish and shellfish spawning, Thomas J. Steinke indicated that the river will be remediated and suggests a full review of any proposed mitigation dam construction project, whether or not it is independent of the lead remediation. He presented maps and discussed the Exide factory's septic, storm, and process pipes and the State's stormsewer piping locations for the Post Road and Metro-North railroad drain in the area.

## **VI. PUBLIC COMMENT**

None

## **VII. ADJOURNMENT**

There being no further business to come before the Commission, Gregory D. Lanute moved, Edward Crowley seconded to adjourn at approximately 8:53 PM. Motion passed unanimously.

Respectfully submitted,  
Anthony Monelli