

**TOWN OF FAIRFIELD  
SHELLFISH COMMISSION  
MEETING MINUTES – January 11, 2012**

The Shellfish Commission of the Town of Fairfield held a meeting on January 11, 2012 at 7:30 PM in the Second Floor Conference Room of the Fairfield Sullivan Independence Hall, 725 Old Post Road, Fairfield, Connecticut

**MEMBERS PRESENT:** Sanford J. Wakeman, Chairman; David Thornton, Secretary; Edward Crowley, Acting Member; Sally Harold; Paul Nelson; Cathy Raynor-Catropa

**MEMBERS ABSENT:** Gregory D. Lanute, Vice Chairman

**ALSO PRESENT:** Thomas J. Steinke, Conservation Director; Devin Santa, Engineer for Pequot Yacht Club; Mary von Conta, Chair of the Harbor Management Commission

**CALL TO ORDER:** Sanford J. Wakeman, Chairman, called the meeting to order at 7:30 PM

**I. BILLS AND COMMUNICATIONS**

A. Meeting Minutes of December 14, 2011

Edward Crowley *moved*, Sally Harold *seconded* to accept the minutes of December 14, 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 – No report presented this evening
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. 2012-2013 Shellfish Commission Budget

Thomas J. Steinke reported that there is a reduction of approximately 56% due to the inability to obtain a contract with a sanitarian for the shellfish sanitary survey of the shoreline.

### B. CT DEEP-OLISP, Application No. 200802577-TS, Zecchi, to retain and repair existing timber bulkhead at 1774 Fairfield Beach Road, Fairfield

Thomas J. Steinke reported that this proposal has come before the Shellfish Commission previously and reviewed the history of the project wherein the applicant proposes to fill two-thirds of a state tidal wetland behind its Pine Creek bulkhead in order to obtain sufficient area to meet zoning requirements for a residential lot. The most recent DEEP approval did not require any mitigation corresponding to the portion of the proposal that calls for filling in of tidal wetlands. Approximately 700 square feet of the tidal wetlands will be retained, which is in keeping with DEEP's goals of protecting wetlands and allowing the owner to improve his property.

The applicant proposes a \$70,000 mitigation offer that would become effective upon approval of all necessary permits to fill the wetland and have a conforming lot. The Shellfish Commission has previously endorsed the concept as proposed.

The mitigation offer is available to restore tidal wetlands at either the Fairfield Beach Road dike or near the Par Three Golf Course, but would entail engineering design, permitting, legal work to deal with easements, etc., and construction. Thomas J. Steinke noted how costly these types of projects are.

Edward Crowley discussed the idea of placing the restoration money into the shellfish fund for shellfish-related projects. Thomas J. Steinke discussed the difficulties of that and how the town can only accept such money with certain restrictions in the form of the purpose and terms of the gift. Edward Crowley noted that the Ye Old Yacht Yard and oyster bed development projects may fit within the scope of remediation. Sally Harold discussed possible grant money that could compliment the remediation funds.

Edward Crowley *moved*, David Thornton *seconded* to request that the town deposit any remediation funds from the Zecchi project into the shellfish revolving fund to work on shellfish restoration. *Motion passed unanimously.*

Thomas J. Steinke and the Commissioners discussed including endorsement of the project into the previous motion. Sally Harold inquired whether a motion to endorse would satisfy DEEP as to the Shellfish Commission's belief that the proposal would not adversely impact the shellfish resource.

Edward Crowley *moved*, Sally Harold *seconded* endorse the application as presented and to request that the town deposit any remediation funds from the Zecchi project into the shellfish revolving fund to work on shellfish restoration. *Motion passed unanimously.*

C. CT DEEP-OLISP, Application No. 201102573-TS, Pequot Yacht Club, to conduct dredging for marine commercial use at 669 Harbor Road, Southport

Thomas J. Steinke reported that this proposal has previously come before the Shellfish Commission and that the shellfish consultation form indicated that the proposal did not create any adverse effects. DEEP is now reviewing the dredging application where the application proposes to dredge the 3 1/2 acre 6 foot anchorage to a depth of 9 feet. The DEEP public comment period lapses on January 19, 2012. Thomas J. Steinke has reviewed the DEEP's file and noted that the Conservation Commission deferred comment to the Shellfish Commission.

He also noted that Dr. Peter Pellegrino, the applicant's consulting biologist, indicated the area was a stressed environment and had few marine organisms due to the anaerobic conditions in the basin bottom. Thomas J. Steinke's concern is that with past relays, the most productive areas are on the side-slopes of the dredged basin between the undisturbed area and the non-productive area in the basin bottom. He recommends that the area be sampled with respect to the side slopes or not to enlarge the dredging area to 9 feet on the slope. He also noted there is a wall, the area in front of which was disturbed in Hurricane Irene. Thomas J. Steinke further recommended an engineering study of the stability of the wall insofar as the dredge proposal will cut back the basin side slope closer to the golf course gabion wall that was damaged in the recent tropical storm Irene.

Edward Crowley noted that on instances where he participated in relays, there were numerous clams along the side-slopes of the dredged channel and anchorage basin. He believes that all shellfish sampling should be done under the direction of the Shellfish Commission to improve accuracy.

Sanford J. Wakeman discussed including the lack of complete information in comments to the DEEP. Thomas J. Steinke noted that it would be necessary to include extensive background information.

Devin Santa, Engineer for Pequot Yacht Club, noted that extensive testing had been completed and that the shellfish impact issue was previously addressed by the Shellfish Commission. He expressed concerns over timing with respect to sampling, a relay, regulatory approval, and construction. Additionally, the project requires coordination with another dredging project in Long Island Sound so that the dredged material can be capped.

The Commissioners discussed requiring a pre-dredge shellfish relay instead of additional sampling and not issuing a comment letter to DEEP. They further discussed physical and weather condition requirements of completing a relay before the water temperatures dropped to 50-degrees F.

Sally Harold *moved*, Paul Nelson *seconded* endorse the application as presented conditioned upon the applicant conducting a relay on the slopes, and if that does not occur, then providing a comment letter to DEEP regarding lack of complete information on the shellfish resource in the area. *Motion passed unanimously.*

D. 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, Chair of the Harbor Management Commission, provided a status update on the project and approvals with DEEP.

E. Remediation of the former Exide Battery Site, 2190 Post Road, Fairfield

Thomas J. Steinke reported that there will be a meeting for town officials to discuss the Exide remediation. There will be another meeting following, in February or March, that will be conducted by the DEEP wherein Exide will make a formal application and presentation to the general public.

F. CT DEEP-OLISP, COP #201106447-TS, Application of Southport Realty Corporation, rebuild existing boat dock and elevate existing house to conform with flood regulations at 789 Harbor Road, Southport

Thomas J. Steinke reported that the DEEP has approved the project and it is on the agenda for informational purposes. Paul Nelson and Cathy Raynor-Catropa reported that construction has begun.

The Commissioners discussed the location of the project and clarified that this was in Southport, not the Stratfield section of town.

### **III. NEW BUSINESS**

None

### **IV. INFORMATIONAL**

Edward Crowley discussed the Rhode Island program and its benefits for those interested in attending.

### **V. OTHER**

Thomas J. Steinke discussed the Shellfish Commissioners becoming more involved in reviewing applications, but there will be no change in the level of support that the Commission receives from the Conservation Department.

David Thornton reported that he walked the shoreline in the fall and noticed many waterfowl. He noted a possible connection between water quality and excrement from waterfowl. The Commissioners had a general discussion of water quality issues.

### **VI. PUBLIC COMMENT**

None

### **VII. ADJOURNMENT**

There being no further business to come before the Commission, Edward Crowley moved, Sally Harold seconded to adjourn at approximately 8:35 PM. Motion passed unanimously.

Respectfully submitted,  
Anthony Monelli