

**TOWN OF FAIRFIELD
SHELLFISH COMMISSION
MEETING MINUTES – March 14, 2012**

The Shellfish Commission of the Town of Fairfield held a meeting on March 14, 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; Gregory D. Lanute, Vice Chairman; David Thornton, Secretary; Edward Crowley, Acting Member; Sally Harold; Paul Nelson; Cathy Raynor-Catropa

MEMBERS ABSENT:

ALSO PRESENT: Annette Jacobson, Conservation Administrator; Mike Rakowski, Roberge Coastal Engineers

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

I. BILLS AND COMMUNICATIONS

A. Meeting Minutes of February 8, 2012

Edward Crowley *moved*, Paul Nelson *seconded* to accept the minutes of February 8, 2012. *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 we spoke with the Westport Conservation Department and there will be a meeting of the Sasco Brook Pollution Abatement Committee in Westport on March 29, 2012.
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. Proposed Remediation of the Mill River estuary associated with the former Exide Battery site, 2190 Post Road, Fairfield, CT

Annette Jacobson reported that Exide still has not made final submissions to DEEP.

B. Town of Fairfield/State of CT DA/BA Management Plan and Memorandum of Understanding (MOU) - Conditionally Approved Area "B"; Southport Harbor/Mill River Conditionally Restricted Area

Annette Jacobson reported that Thomas J. Steinke is still awaiting final approval from DA/BA.

C. CT DEEP-OLISP, Notice of Tentative Determination - Notice of Intent to Waive Public Hearing, Application #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 in Lower Wharf and Ye Yacht Yard - Status

Edward Crowley and Paul Nelson discussed changes to the proposal, namely the deletion of the proposed ramp near the dock. Annette Jacobson explained that the proposal still encompasses the construction of a dock off the lower wharf along with dredging in that area. Edward Crowley noted that the application completed a survey of shellfish in the dredging area, but that survey was not acceptable to DEEP. The Commissioners discussed a need for appropriate testing before any dredging can occur.

Annette Jacobson explained that the applicant will need to prepare revisions to the proposal for submission to DEEP. The Commissioners discussed the necessity of a public hearing with DEEP and associated DEEP requirements. Annette Jacobson noted that the Harbor Management Commission may want to keep this application pending rather than file a new one.

Edward Crowley reported that Thomas J. Steinke reviewed the history of lower wharf area and that it had never been dredged, but parts of the project area had been dredged in the 1960s.

The Commissioners formed a consensus that the Harbor Management Commission must prove that no shellfish live in the dredge area by appropriate testing, before any dredging may occur. Edward Crowley will speak with Thomas J. Steinke about preparing a letter.

D. CT DEEP-OLISP, Application #201106037-TS, Notice of Tentative Determination, proposal of Scott and Jennifer Mallek to demolish existing garage and build new two car garage with pile foundation at 355 Pine Creek Avenue

Sanford J. Wakeman noted that the Commission previously voted on this application. The Commissioners noted that Thomas J. Steinke had prepared a letter stating that he saw no adverse impact on the shellfish resource from the applicant's proposed activities.

E. Shellfish Commission 2012-2013 Budget Request

The budget hearing is going on simultaneously with the meeting of the Commission. Thomas J. Steinke attended the budget hearing, rather than the Commission meeting.

Suppl. Agenda A. CT DEEP-OLISP Appl. #201102986-TS, Application of Marianne Ruscito and Fairfield Beach Road Real Estate Holdings, LLC to construct new timber bulkhead, add timber cap to existing seawall, remove existing unauthorized 10x10 float; and construct gangway and floating dock at 1754 & 1748 Fairfield Beach Road

Annette Jacobson noted that the Commission previously reviewed the application and recommended that the applicant use struts instead of fixed piers. The proposal after the notice of tentative determination now includes two fixed piers.

Matt Rakowski of Roberge Coastal Engineers explained that the strut system was included in the original permit application, but that design problems arose. With struts, the float would not be stable without enlarging the float and the landward concrete foundation. The larger float would be more difficult to remove off season. He noted that the property to the east of the subject property has float with two pilings to facilitate easy removal.

Annette Jacobson suggested a bend in the dock, similar to P-shape, in front of the tidal wetlands. She noted that the Commission was looking for a proposal without fixed elements because it diminishes the shellfishing area. Matt Rakowski explained that the two fixed pilings are a compromise in lieu of a larger fixed structure.

Annette Jacobson reviewed DEEP's comments which indicated that they preferred no fixed pilings. She further noted that DEEP may likely approve the application.

Edward Crowley *moved*, David Thornton *seconded* to endorse the application as to all aspects except for the inclusion of fixed pilings in favor of other structures in accordance with previous recommendations of the Shellfish Commission. *Motion passed unanimously.*

III. NEW BUSINESS

A. Review of Shellfish Commission Management Plan - discussion

Edward Crowley noted that the last revision was done six years previous and needs some fine tuning. He suggested dividing up the plan document and reviewing two or three sections per meeting. Sanford J. Wakeman will speak with Thomas J. Steinke regarding setting an agenda.

B. Review of draft letter of support for the Connecticut Bureau of Aquaculture

The Commissioners briefly discussed the letter and how additional funding would help to run various DA/BA programs and provide for water sampling.

Edward Crowley *moved*, David Thornton *seconded* to endorse the letter to DA/BA from the Westport Shellfish Commission. *Motion passed unanimously.*

IV. INFORMATIONAL

None

V. OTHER

None

VI. PUBLIC COMMENT

None

VII. ADJOURNMENT

There being no further business to come before the Commission, Gregory D. Lanute *moved*, Sally Harold *seconded* to adjourn at approximately 8:22 PM. *Motion passed unanimously.*

Respectfully submitted,
Anthony Monelli