

**TOWN OF FAIRFIELD  
SHELLFISH COMMISSION  
MEETING MINUTES – May 9, 2012**

The Shellfish Commission of the Town of Fairfield held a meeting on May 9, 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; Paul Nelson; Cathy Raynor-Catropa

**MEMBERS ABSENT:** Gregory D. Lanute, Vice Chairman; Sally Harold

**ALSO PRESENT:** Thomas J. Steinke, Conservation Director; Mary von Conta, Chair of the Harbor Management Commission; Nelson North, HMC; Richard White, DPW Director

**CALL TO ORDER:** Sanford J. Wakeman, Chairman, called the meeting to order at 7:35 PM

**I. BILLS AND COMMUNICATIONS**

A. Meeting Minutes of April 11, 2012

Edward Crowley *moved*, Paul Nelson *seconded* to accept the minutes of April 11, 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 the shellfish beds are currently closed.
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. 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

Thomas J. Steinke reported that DEEP has issued its permit. Despite the filing of an intervention, the adjudication office of the DEEP issued a letter stating that the statute for intervention was not effective because the application will not have a public hearing. If the Commission wanted to pursue intervention more aggressively, he further reported that the economy and concern over lawsuits would be determinative factors. Any further action must be decided on by the Commission and reviewed with the First Selectman.

Paul Nelson clarified that the DEEP will go forward with issuing the permit. He opined that it was no good to proceed any further with intervention. Edward Crowley opined that the Commission should aggressively pursue intervention.

Thomas J. Steinke briefly discussed the financial issues of pursuing intervention and that the Harbor Management Commission would not want to compromise its permit by ordering changes to approved courses of action. He further noted that he believes the application was flawed because of the way the shellfish portion was handled; that no proper tested occurred and that dredging would take place in areas where it had never taken place. DEEP did not address these concerns and adopted a stonewall approach.

Edward Crowley *moved*, Cathy Raynor-Catropa *seconded* to allow the Chairman to form a committee and prepare a memorandum in preparation of meeting with the First Selectman to intervene in the DEEP action. David Thornton, Edward Crowley, Cathy Raynor-Catropa voted in favor and Paul Nelson voted against.

Sanford J. Wakeman appointed himself, Edward Crowley and Cathy Raynor-Catropa to the committee for intervention.

B. CT DEEP-OLISP, Permit #201102986-TS, issued to Marianne Ruscito/Fairfield Beach Road Real Estate Holdings, LLC, to remove riprap and miscellaneous debris, retain and repair two existing timber bulkheads for flood and erosion control, and install a ramp and float for recreational boating access in Pine Creek at 1748 and 1754 Fairfield Beach Road.

Thomas J. Steinke reported that DEEP issued the emergency permit.

C. CT DEEP-OLISP, COP #201200340-TS, issued to the Country Club of Fairfield, to retain an existing revetment for flood and erosion control and to retain repairs made to the revetment and an existing slope behind a seawall pursuant to Emergency Authorization EA-I-8-2011-3, in Southport Harbor off property located at 936 Sasco Hill Road.

Thomas J. Steinke reported that DEEP issued the emergency permit.

D. Shellfish Commission 2012-2013 Budget Request

Thomas J. Steinke reported that the previous RTM request of a 2% cut across all departments did not pass. The cut would have been approximately \$320 from the Commission's budget. The RTM adopted the budget as proposed.

**III. NEW BUSINESS**

A. CT DEEP-OLISP Permit Application of the Town of Fairfield Public Works Department and Engineering Department to conduct maintenance dredging of navigational channel leading to South Benson Marina and Ash Creek.

Thomas J. Steinke showed an aerial map of the project area. Annually, about 2000 cubic yards of material make their way into the Bridgeport side of Ash Creek. The proposal is to remove material consisting of sand, shell, etc., for distribution to beaches in Fairfield and Bridgeport. The area is wave-washed and constant movement of material occurs as a result.

The area for material removal is located on the Bridgeport side and all action would be coordinated with Bridgeport. The channel is being choked off for access by boats. The accumulation of material encroaching from the Bridgeport side of the creek is limiting access to the marina. The permit application is for the removal of 22,000 cubic yards of material to occur over a 10 year period.

Richard White, DPW Director, described a previous project which maintained access to the marina.

Thomas J. Steinke recommended endorsing the project as proposed. He noted that there would be no adverse impact on shellfish areas.

Edward Crowley *moved*, Cathy Raynor-Catropa *seconded* to endorse the project as presented. Motion passed unanimously.

#### **IV. INFORMATIONAL**

None

#### **V. OTHER**

Cathy Raynor-Catropa discussed the implications of intervention in the Harbor Management Commission project. She expressed her concerns that because of a lack of testing for shellfish, irreplaceable harm may be done. As a result of the project, a higher level of activity such as boating will be going on in Southport Harbor.

Thomas J. Steinke noted that the key questions to the project's approval would be whether the project is compatible with the shellfish management plan and whether the dredging portion of the project is new dredging or restoration of a previous condition. Financial considerations, such as funding an appeal, are also serious considerations.

Paul Nelson acknowledged valid concerns but expressed a willingness to allow the project to proceed.

Edward Crowley stated that a proliferation of projects along the shoreline reduced habitat for shellfish and reduced recreational opportunities.

Thomas J. Steinke stated that his concern is that DEEP views that if there is no public hearing, then parties would not have the ability to intervene. The precedential implications of DEEP's approach may impact remediation of the Exide Battery site.

Thomas J. Steinke discussed remediation activity at Exide and that currently, work on the drainage is being conducted.

Edward Crowley suggested that the dredged material from the projects at South Benson Marina project, Ye Olde Yacht Yard, and the Pequot Yacht Club may be used to fill in sumps near the Exide site in the Mill River.

#### **VI. PUBLIC COMMENT**

None

**VII. ADJOURNMENT**

There being no further business to come before the Commission, Edward Crowley moved, Paul Nelson seconded to adjourn at approximately 8:47 PM. Motion passed unanimously.

Respectfully submitted,  
Anthony Monelli