

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

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

MEMBERS PRESENT: Sanford J. Wakeman, Chairman; David Thornton, Secretary; Robert Bilek; Paul Nelson; Cathy Raynor-Catropa

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

ALSO PRESENT: Thomas J. Steinke, Conservation 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 June 13, 2012

Robert Bilek *moved*, David Thornton *seconded* to accept the minutes of June 13, 2012.
Motion passed unanimously.

B. Committee Reports

1. *Clam Relay/Planting:* Bilek, Thornton – The commissioners had a general discussion of protocol for committee meeting notices
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:* 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

Thomas J. Steinke reported that work is progressing on the upland portion of the site and is mainly patch-up work from the demolition project a few years ago. There will be an upcoming meeting on the remedial action plan for the Mill River portion of the project. Some parts may not be eligible for a hearing and public comment and may be reviewed administratively by DEEP.

B. 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

Sanford J. Wakeman reported that no response has yet been received from the First Selectman's office.

David Thornton inquired of Mary von Conta, Chair of the Harbor Management Commission, how active the community sailing program is. She responded that she had no definitive information, but that the additional dock in the proposal dedicated to the sailing program was designed to relieve the town dock.

Mary von Conta added that the Pequot Yacht Club will be dredging the North Anchorage part of the Mill River between the clubhouse and the Tide Mill Dam. She believes all moorings will be removed for approximately one month while work progresses. The Shellfish Commission will be informed of their schedule.

C. CT DEEP-OLISP, Application of Fairfield Pine Creek, LLC (Peter DiNardo Enterprises), to reconstruct bulkhead at 1896 Fairfield Beach Road, Fairfield

Robert Sonnichsen, engineer for the applicant, summarized the project. He noted that DEEP issued a COP in 2000 for bulkhead work, which was subsequently renewed, and then expired in 2008. DEEP initially did not want to grant a new application because there were questions of continuous maintenance. Since then, they have received approval from various agencies.

The floating dock was permitted in 2001 and the dock in place is exactly as permitted. Parcel 1896 includes a garage and shed. It is one property with the house across the street. The parcels had been merged in approximately 1998. DEEP accepted one application as a result.

The adjacent property owner got a permit for bulkhead work and a floating dock. The work on this project will be coordinated with the neighboring parcel.

The DEEP requires that any bulkhead cannot be further waterward of the existing bulkhead. In this proposal, the new bulkhead will be immediately landward of the existing structure.

Robert Bilek inquired of the length of the bulkhead. Robert Sonnichsen responded that the property is wider at the road than at the creek-front.

Thomas J. Steinke discussed the spacing of tie backs noting that they are a longer distance apart in some places. Robert Sonnichsen responded that fewer tie backs can be used because they will be made of steel and driven to a certain depth. He noted that the proposal is for steel, and that timber tie backs could not be used according to the plan, nor would the permit allow for that.

David Thornton *moved*, Cathy Raynor-Catropa *seconded* to endorse the application's shellfish referral form for non-significant as presented. *Motion passed unanimously.*

D. Review of Shellfish Commission Management Plan

David Thornton discussed streamlining the Shellfish Management Plan and addressing certain issues such as planting clams in Southport.

Paul Nelson suggested a section by section review. Thomas J. Steinke indicated that the Commission is not obliged to review the plan, but must do so in the event of a change in the shellfish program.

Paul Nelson suggested reviewing the first chapter and foreword for the next meeting to discuss, which was the consensus at which the Commissioners arrived.

III. NEW BUSINESS

A. CT DEEP Draft Proposed Connecticut Statewide Total Maximum Daily Load (TMDL) for Bacteria-Impaired Waters, for public review and comment

Thomas J. Steinke explained that pursuant to the Clean Water Act, DEEP must identify water bodies not meeting standards and must make a report to the EPA every two years.

Robert Bilek inquired what some of the specific measures were in the test results that were supplied, specifically what "NA" meant.

The Commissioners came to a consensus that there should be a response to DEEP discussing the fact that Fairfield may be held to strict standards when much of the impact to Fairfield waters is caused by Bridgeport.

IV. INFORMATIONAL

None

V. OTHER

Thomas J. Steinke noted that several shellfishing permit holders have requested refunds due to the beds being closed. He suggested posting days open and closed on brochures and possibly establishing a refund policy in the future.

The Commissioners discussed state funding of water testing and its impact on the shellfish program. Thomas J. Steinke noted that the state's first priority is to test for the commercial operators, then the recreational areas nearest to the commercial beds, which includes Fairfield, and finally all other recreational beds, which are mostly east of New Haven. Robert Bilek inquired as to the cost of testing and the state's ability to conduct it. Cathy Raynor-Catropa responded that she and Sanford J. Wakeman previously took samples to submit to DA/BA, but were told to stop because the DA/BA lab could not handle the samples.

Thomas J. Steinke discussed the Bridgeport West Side Sewage Plant and noted that it bypasses at 1/4 inch of rain, due to the storm and sanitary sewers being one system. He discussed the history of the relationship between Fairfield and Bridgeport with respect to the pollution, and the sustainability of a long term program of testing.

Robert Bilek and David Thornton discussed the effectiveness of the Westport shellfishing program and both agreed to meet with a representative from Westport and report back to the Commission.

VI. PUBLIC COMMENT

None

VII. ADJOURNMENT

There being no further business to come before the Commission, Paul Nelson *moved*, Robert Bilek *seconded* to adjourn at approximately 9:34 PM. *Motion passed unanimously.*

Respectfully submitted,
Anthony Monelli