



**TOWN OF FAIRFIELD**  
**CONSERVATION COMMISSION**  
**INLAND WETLANDS AGENCY**  
725 Old Post Road – Fairfield, CT 06824

February 1, 2023  
7:00pm

A recording of this meeting can be found here: <https://www.youtube.com/watch?v=-W-Yyzxt1Sc>

**MINUTES**

**MEMBERS PRESENT:** Chairman Lukas Thomas, Secretary Richard Boucher, Brian McCann, Gerald Alessi, Jay Fain, Peter Hood

**MEMBERS ABSENT:** Vice-Chair Dabney Bowen,

**ALTERNATES:** Kate O'Mahony (via Webex), Ted Luchsinger

**ALTERNATES ABSENT:** Amanda Mertens Campbell

**OTHERS PRESENT:** Conservation Director Tim Bishop, Wetlands Compliance Officer Sarah Neafsey, Attorney Brian LeClerc, Senior Engineer Redniss & Mead David Ginter, Landscape Architect and Soil Scientist William Kenny, Engineer Brian Baker, members of the public

**I. CALL TO ORDER**

Chairman Thomas called the meeting to order at 7:04pm.

**II. APPOINTMENT OF ALTERNATES**

With the absence of Dabney Bowen, Chairman Thomas appointed Kate O'Mahony as a voting alternate.

**III. APPROVAL OF DRAFT MEETING MINUTES**

**1. Inland Wetlands Agency Meeting: January 4, 2023**

*Jay Fain made a motion to approve the minutes of January 4, 2023 as written. Rick Boucher seconded the motion, which carried unanimously.*

**2. Site Walk Meeting: January 8, 2023**

*Rick Boucher made a motion to approve the Site Walk Meeting, January 8, 2023. Ted Luchsinger seconded the motion, which carried unanimously.*

**IV. APPLICATIONS FOR DISCUSSION**

**1. WP-22-293, Zhao, 137 Woods End Road**

**Map 145 Parcel 70**

**Corrective action/replant stream bank with native plantings activity within a regulated area**



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Conservation Director Tim Bishop said Ms. Zhao has a problem with the balance of the application fee, voted on at the last meeting.

*Rick Boucher made a motion to table this item. Gerry Alessi seconded the motion, which carried unanimously.*

**V. BILLS AND BOND RELEASES**

- 1. IWP 2017-18-05, Fairfield University, 1073 North Benson Road, Fill wetlands and construct new business school within a regulated area. Request of Walter Stapleton for final release of \$11,800.00.** (Partial bond release of \$34,600.00 was completed in September 2021)

Wetlands Compliance Officer Sarah Neafsey said the last season of the invasive species control plan was last fall, and that they are satisfied with plant survivability. All the required conditions have been met.

*Jay Fain made a motion to release the final bond of \$11,800.00. Rick Boucher seconded the motion, which carried unanimously.*

- 2. IWP 2013-14-13, Fairfield University, 1073 North Benson Road, Construct School of Nursing Addition within a regulated area. Request of Walt Stapleton for final release of \$ 3,000.00** (Partial bond release of \$44,000.00 was completed in January 2018 and additional partial bond release of \$2,800.00 was completed in July 2020.)

Ms. Neafsey said this final amount was also held for invasive species control, which has been finished with their five-year plan. Chairman Thomas decided to combine this item with V-3 and vote on both together,

- 3. IWPA 2020-21-17, Fairfield University, 1073 North Benson Road, Construct new residential townhouses (in the vicinity of Lynch Road) within a regulated area. Request of Walt Stapleton for final bond release of \$7,600.00.**

Ms. Neafsey stated these conditions have also been met and recommended releasing the bond.

*Jay Fain made a motion to release the bonds for V-2 for \$3,000.00 and V-3 for \$7,600.00. Rick Boucher seconded the motion, which carried unanimously.*

**VI. LEGAL/ENFORCEMENT ACTIONS**

- 1. (Cont.) Show-Cause Hearing: Jeanine Norwood, 120 Wakeman Lane, Southport Map 246 Parcel 5C.** Clearing of wetlands vegetation and deposition of material within a wetland



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Conservation Director Tim Bishop said this case has been referred to Town Attorney James Baldwin. Mr. Bishop received a list of species and quantity of vegetation, but no map. He flagged three species to replace with native species. Mr. Fain stated that they are also looking for documentation of the nature and extent of the violation, and how it will be restored, in addition to a plant list. Mr. Bishop will keep in touch with Attorney Baldwin.

2. **(Cont.) Cynthia O'Malley, 47 Quaker Lane, Map 12 Parcel 318.** Conducted filling, grading, landscaping of a mapped wetland and Regulated Area without a permit

The order went out as requested but Mr. Bishop has not had contact with the homeowner. Jay Fain made a motion to put the Notice of Violation on the Land Record. Peter Hood seconded the motion. Chairman Thomas said Ms. O'Malley had a 90-day deadline, which gives her until April to respond. Jay Fain withdrew his motion.

## **VII. STAFF REPORT**

1. Reports from the Conservation Department
  - a) **CWC permit applications received: 4**
  - b) **Notice of Violations issued: 0**
  - c) **Bonds Released: 7**
2. Conservation Department office relocation to SIH 1<sup>st</sup> floor

## **VIII. PUBLIC HEARINGS**

1. **WP-22-322, William Kenny Associates LLC, 2717 North Street**  
**Map 165 Parcel 29**  
**Replace existing residential driveway crossing within a regulated area**

Jay Fain stated that he supports the project proposal and the size of the fee as calculated is a deterrent for people seeking permits.

*Jay Fain made a motion to waive the fee, as proposed. Rick Boucher seconded the motion which, carried unanimously.*

Peter Hood made a motion to start the Public Hearings. Kate O'Mahony seconded the motion which carried unanimously.

The public hearing was opened at 7:24 p.m.

William Kenny had drawings by the Huntington Company and Cuoco Structural Engineers and presented them as well as shared drawings on screen with the Agency and the public.



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Mr. Fain said this is a good project and applicants should be commended. Mr. Kenny proceeded with his presentation. This is a residential property with a long driveway with a small brook in the rear of the lot with plastic culverts. One of the culverts is collapsing. The property owners want to remove pipes and build a bridge, recreating the brook channel. The driveway is shared but only up to a certain point. The proposed bridge is past the point of the shared driveway and there is no need to get approval from the neighbor. Mr. Fain is in favor of the project but would like to see a hydraulic analysis, as recommended by the Town Engineering Dept. Mr. Kenny is willing to do the report as a condition. Chairman Thomas deferred this hearing to the next meeting so they can receive and review the hydrology report.

The public hearing was stopped at 7:42 p.m. The hearing was recorded and is available at Independence Hall, 725 Old Post Road, Fairfield, Connecticut.

**2. (Cont.) WP-22-258, Fairfield Housing Corporation, 980 High Street**  
**Map 77 Parcel 340**  
**Construction of a 40 unit assisted multifamily affordable housing development within a regulated area**

The public hearing was re-opened at 7:32 p.m.

Attorney Brian LeClerc, Brian Baker and William Kenny discussed new documents regarding testing results and changes that were made based on suggestions from the Town's consultant, Engineer David Ginter regarding stormwater drainage. Engineer Brian Baker went over detention basins and pervious pavement. Jay Fain asked for a statement from Mr. Ginter on the effect of the wetlands and water crisis. There was a long and detailed discussion about the drainage system and different storm scenarios. Attorney LeClerc spoke about the changes made and the testimony of his team in support of the project for the Town. Chairman Thomas asked Attorney LeClerc if his client would be willing to contribute to the costs of all the testing that was done for this project. Mr. LeClerc will speak with his client. David Ginter, engineer with Redniss & Meade said he has reviewed the revised documentation provided and has given his comments. In his opinion, the big picture has been addressed and does not foresee adverse impacts as a result of this project.

Public Comment followed:

- Elizabeth Altobelli, 76 Country Road
- Justin Botelle, 136 Borosky Street
- Jessica Itman, 41 Oakwood Road

The full presentation and discussions including Public Comment can be found here:  
<https://www.youtube.com/watch?v=-W-Yyzxt1Sc>



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The public hearing was closed at 8:17 p.m. The hearing was recorded and is available at Independence Hall, 725 Old Post Road, Fairfield, Connecticut.

**IX. OTHER**

1. Schedule currently pending to reconvene Subcommittee to review proposed IWWR (fees/regulation) changes

Chairman Thomas appointed Ted Luchsinger to the Subcommittee.

**X. ADJOURN**

Chairman Thomas adjourned the meeting at 8:19pm.

Respectfully submitted,

Pru O'Brien  
Recording Secretary