



INLAND WETLANDS AND WATERCOURSES COMMISSION
MINUTES
January 3, 2012

MEMBERS PRESENT: Richard Girouard, Chairman
Arlyne Fox, Vice Chairman
John Lauria, Secretary
Carmine DeFeo
Frank Marcus
Kevin Chamberlain, Alternate (voting)
Lars Jorgensen.

MEMBERS ABSENT: David Lucas

The Chair convened the meeting at 7:43 p.m.

All present joined in the Pledge of Allegiance led by the Vice-Chairwoman Ms. Fox.

Commissioner Lauria read the Public Hearing notice into the record as follows:

WORK SESSION:

The Chair opened the Work Session at 7:44 p.m.

After discussion and review, the Commission took action on the following applications as follows:

Application 11-36 (Tina Beyer):

Motion made (Chamberlain) seconded (Fox) to APPROVE Application 11-36 (Tina Beyer). For discussion purposes only.

Commissioner Chamberlain entered into the record the Findings of Fact determined by the commission as follows:

1. Applicant violated § 6 of IWWC Regulations by conducting regulated activities within the regulated (upland review) area, without approval, as follows: clear cutting of trees, land alteration and filling.
2. In the northeasterly corner of the Property, the Applicant improperly re-graded an extensive mound of earth within the regulated area which resulted in the impediment of the natural flow of water to the wetlands thereby creating an adverse impact on the wetlands.
3. In the easterly portions of the Property, Applicant improperly cut approximately 30 to 40 trees within the regulated area which resulted in the degradation of the function of the wetlands.

4. Applicant, and/or one of Applicant's agents under Applicant's control, improperly removed and reset a concrete survey marker located on the Property line.

Motion made (Chamberlain), seconded (Marcus) for Approval - In accordance with Section 6 of the IWWC Regulations and on the basis of the evidence of record, the IWWC resolves to APPROVE Application #11-36 with approval for the placed fill on the Property to remain in its current location and condition and to permit the removal of the trees which have already been removed, with the following conditions:

1. No more trees within the regulated area shall be removed.
2. In the easterly portion of the Property, under the direction of the IWWC agent, the Applicant shall plant a minimum of 30 shrubs, which are at least 5 gallons in size and provide appropriate ground cover, as shown on a professional plantings plan to be approved by the IWWC.
3. Under the direction of the IWWC agent, Applicant must engage a licensed surveyor to reset the survey marker at the Property line.
4. The applicant shall install a split rail fence along the property line between the applicant's property and Town-owned property in the rear.

Motion made (Chamberlain), seconded by (Marcus) to amend the original motion to read as:

"In accordance with Section 6 of the IWWC Regulations and on the basis of the evidence of record, the IWWC resolves to APPROVE Application #11-36 with approval for the placed fill on the Property to remain in its current location and condition and to permit the removal of the trees which have already been removed, with the following conditions:

1. No more trees within the regulated area shall be removed.
2. Applicant shall install a split rail fence parallel with the rear property line, 50' west of the rear property line across the width of the property.
3. Under the direction of the IWWC agent, Applicant must engage a licensed surveyor to reset the survey marker at the Property line.
4. In the easterly portion of the Property, under the direction of the IWWC agent, the Applicant shall plant a minimum of 30 shrubs, which are at least 5 gallons in size and provide appropriate ground cover, as shown on a professional plantings plan to be approved by the IWWC. The 30 shrubs shall be planted between the split rail fence and the rear property line. The planting plan shall be submitted for approval no later than the application deadline for the April 3, 2012 meeting of the IWWC.
5. After the conclusion of the fence installation and planting of bushes, the area shall not be disturbed or developed in any manner east of the split rail fence.
6. All work to be completed no later than July 1, 2012.

Please note that this is a conditional approval. Therefore, each and every condition is an integral part of the IWWC's decision. This approval may be revoked or suspended if the Applicant exceeds the conditions or limitations of this approval, or has secured this application through inaccurate information.

If this decision is appealed and any of the conditions of approval are found to be void or of no legal effect then this conditional approval shall be deemed to be void and the Applicant may re-file another application.

Commissioner Jorgensen did not vote due to his absence at the December 6, 2011 IWWC meeting.

VOTE: MOTION CARRIED 6-0-1 (Abstention: Jorgensen)

Application 11-37:

Motion made (Fox), seconded (Marcus) to Approve Application 11-37 (Robert and Melissa Daniel) Commissioner Chamberlain with regards to the motion for approval entered into the record the Findings of Facts which the commission has found with regard to Application 11-37 as follows:

1. Applicant violated a prior approval of the Trumbull Inland Wetlands Commission (“IWWC”), dated July 9, 2009, by failing to adhere to the approved plan (prior approval and plan attached hereto as Exhibit 1) in the following manner:
 - (A) Altered land beyond the line depicted on the plan as “limit of land disturbance line”; and
 - (B) Removed tree depicted on said approved plan to remain.
2. Applicant violated § 6 of IWWC Regulations by conducting regulated activities within the regulated (upland review) area, without approval, as follows: clear cutting of trees, land alteration and filling.
3. In the southeasterly corner of the Property, the Applicant improperly re-graded an extensive mound of earth within the regulated area which resulted in the impediment of the natural flow of water to the wetlands thereby creating an adverse impact on the wetlands.
4. In the easterly portion of the Property, and onto a portion of adjacent land owned by the Town of Trumbull, Applicant improperly placed and spread top soil within the regulated area which resulted in the impediment of the natural flow of water to the wetlands thereby creating an adverse impact on the wetlands.
5. Adjacent to the southerly Property line, Applicant improperly constructed a berm within the regulated area, which resulted in the impediment of the natural flow of surface waters to the wetlands thereby creating an adverse impact on the wetlands.
6. In the southerly and easterly portions of the Property, Applicant improperly cut approximately 10 to 20 trees within the regulated area which resulted in the degradation of the function of the wetlands. Aerial photographs (attached as Exhibit 2) in the record demonstrate the amount of trees that were improperly removed from the Property.

On behalf of Commissioner Fox, Commissioner Chamberlain read the approval into the record as follows:

APPROVAL

In accordance with Section 6 of the IWWC Regulations and on the basis of the evidence of record, the IWWC resolves to APPROVE Application #11-37 with approval for the placed fill on the Property to remain in its current location and condition and to permit the removal of the trees which have already been removed, with the following conditions:

1. No more trees within the regulated area shall be removed.

2. Under the direction of the IWWC agent, the berm located adjacent to the southerly Property line shall be removed. The material removed from the berm shall not be redeposited within the 100' upland review area.
3. Applicant shall install a split rail fence 50' west of the east property line which borders Town property across the width of the lot.
4. In the easterly portion of the Property, under the direction of the IWWC agent, the Applicant shall plant a minimum of 30 shrubs, which are at least 5 gallons in size and provide appropriate ground cover, as shown on a professional plantings plan furnished by the applicant and to be approved by the IWWC. The plantings shall be planted east of the split rail and west of the easterly property line. The plantings plan shall be submitted for approval no later than the application deadline for the April 3, 2012 IWWC meeting.
5. All work shall be completed no later than July 1, 2012.

Please note that this is a conditional approval. Therefore, each and every condition is an integral part of the IWWC's decision. This approval may be revoked or suspended if the Applicant exceeds the conditions or limitations of this approval, or has secured this application through inaccurate information.

If this decision is appealed and any of the conditions of approval are found to be void or of no legal effect then this conditional approval shall be deemed to be void and the Applicant may re-file another application.

Commissioner Jorgensen did not vote due to his absence at the December 6, 2011 IWWC meeting.

VOTE: Motion Carried 6-0-1 (Abstention: Jorgensen)

Application 11-36 (Tina Beyer):

Motion made by (Chamberlain) seconded by (Lauria) to reopen Application 11-36 (Tina Beyer).

VOTE: MOTION CARRIED UNANIMOUSLY.

Motion made by (Chamberlain) seconded by (Lauria) to amend the previous approval of Application 11-36 read into the record and voted upon, specifically with regard to item/condition #4 as follows:

In accordance with Section 6 of the IWWC Regulations and on the basis of the evidence of record, the IWWC resolves to APPROVE Application #11-36 with approval for the placed fill on the Property to remain in its current location and condition and to permit the removal of the trees which have already been removed, with the following conditions:

1. No more trees within the regulated area shall be removed.
2. Applicant shall install a split rail fence parallel with the rear property line, 50' west of the rear property line across the width of the property.
3. Under the direction of the IWWC agent, Applicant must engage a licensed surveyor to reset the survey marker at the Property line.

4. In the easterly portion of the Property, under the direction of the IWWC agent, the Applicant shall plant a minimum of 30 shrubs, which are at least 5 gallons in size and provide appropriate ground cover, as shown on a professional plantings plan to be furnished by the applicant and to be approved by the IWWC. The 30 shrubs shall be planted between the split rail fence and the rear property line. The planting plan shall be submitted for approval no later than the application deadline for the April 3, 2012 meeting of the IWWC.
5. After the conclusion of the installation and planting of bushes, the area shall not be disturbed or developed in any manner east of the split rail fence.
6. . All work to be completed no later than July 1, 2012.

Please note that this is a conditional approval. Therefore, each and every condition is an integral part of the IWWC's decision. This approval may be revoked or suspended if the Applicant exceeds the conditions or limitations of this approval, or has secured this application through inaccurate information.

If this decision is appealed and any of the conditions of approval are found to be void or of no legal effect then this conditional approval shall be deemed to be void and the Applicant may re-file another application.

Commissioner Jorgensen did not vote due to his absence at the December 6, 2011 IWWC meeting.

VOTE: MOTION AS AMENDED CARRIED 6-0-1 (Abstention: Jorgensen)

Motion made by (Lauria), seconded by (DeFeo) to close the Work Session.
By unanimous consent the IWWC closed the Work Session at 8:18 p.m.

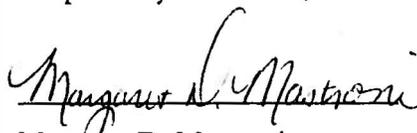
MINUTES

Motion made (Lauria) seconded (DeFeo) to ACCEPT the December 6, 2011 IWWC meeting minutes as submitted. VOTE: MOTION CARRIED UNANIMOUSLY.

Motion made by (DeFeo), seconded by (Chamberlain) to authorize the IWWC Agent to look into where the Town of Trumbull is planning to relocate the barn to Abraham Nichols Park, which is inside the 100' upland regulated area from a small and determine whether or not an Inland Wetlands & Watercourses Commission application needs to be filed. VOTE: MOTION CARRIED UNANIMOUSLY.

There being no further business to discuss the Inland Wetlands & Watercourses Commission adjourned by unanimous consent at 8:21 p.m.

Respectfully Submitted,



Margaret D. Mastroni

The Inland Wetland & Watercourses Commission Clerk

EXHIBIT 1

INLAND WETLANDS AND WATERCOURSES COMMISSION

Town of Trumbull

CONNECTICUT

INLAND WETLANDS AND
WATERCOURSES
COMMISSION

Town Hall
5866 Main Street
Trumbull, CT 06611
Phone: 203.452.5046
Fax: 203.452.5061

TOWN HALL
452 5046



5866 MAIN STREET
TRUMBULL, CONN 06611

July 9, 2009

Certified Mail - Return Receipt Requested

Mr. and Mrs. Robert Daniel
638 Booth Hill Road
Trumbull, CT 06611

RE: Application 09-25

Dear Mr. and Mrs. Daniel:

The subject application, at a regular hearing held on July 7, 2009, was reviewed by the Inland Wetland and Watercourse Commission for permit approval to clean up and remove trash and do grading in a regulated area at 638 Booth Hill Road.

In accordance with the regulations of the Inland Wetland and Watercourse Commission, the Commission voted to grant a permit to Robert and Melissa Daniel to conduct the above activity. The application was APPROVED, as submitted, and subject to the General Conditions as established by the Commission and the following SPECIFIC CONDITION:

- Clean up open space area under the supervision of the Trumbull Parks Department and/or appropriate Commission.

Said action has been fixed to become effective on July 28, 2009 and a copy thereof has been filed and recorded in the Office of the Town Clerk.

Inland Wetlands and Watercourse Commission

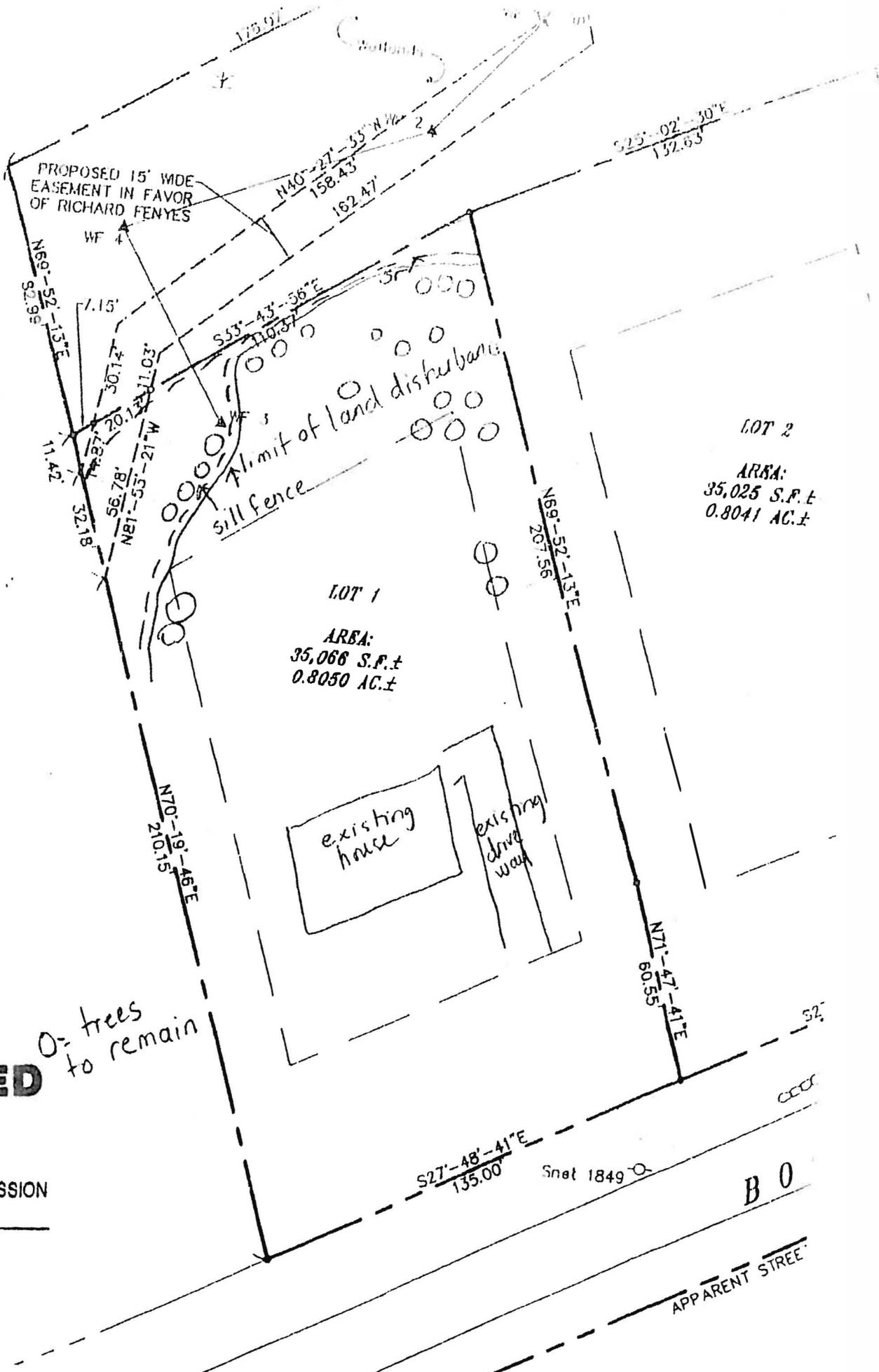
Richard H. Girouard, Sr.

Richard H. Girouard, Sr., Chairman

RHG/j

Enclosure

cc: Town Clerk, Town Engineer, Building Department, Planning & Zoning



RECEIVED

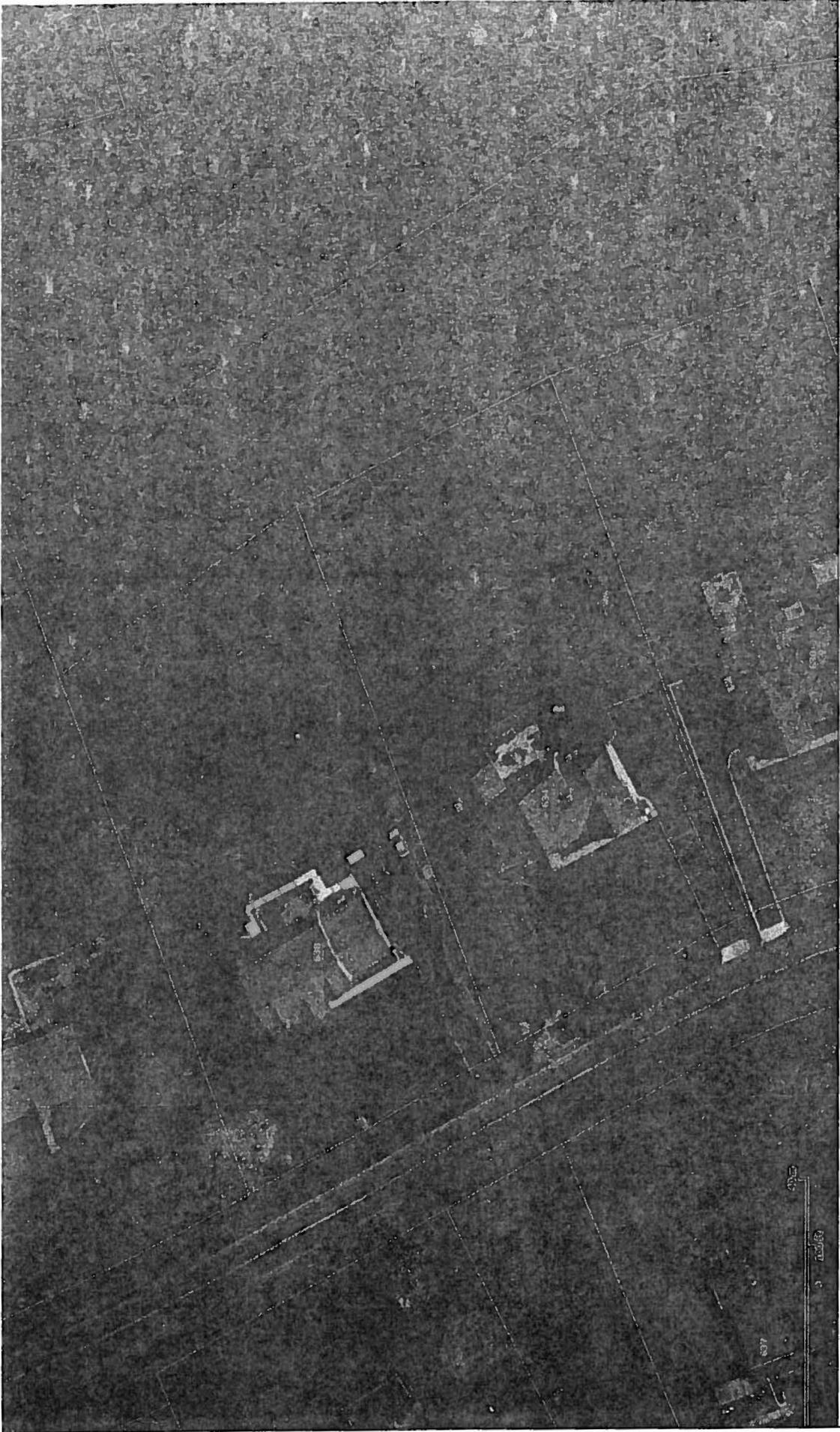
JUN 22 2009

INLAND WETLANDS COMMISSION

BY JJA

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EXHIBIT 2



Booth Hill Road Aerial - 2010

The Town of Trumbull shall assume no liability for the use of this map nor any errors, omissions, or inaccuracies contained herein regardless of how caused. The Town of Trumbull assumes no liability for any decision made or action taken or not taken by the user in reliance upon any information furnished hereunder.