

INLAND WETLANDS AND WATERCOURSES COMMISSION

Town of Trumbull

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TOWN HALL
Trumbull

TELEPHONE
(203) 452-5005



October 2, 2012
MINUTES

MEMBERS PRESENT: Richard Girouard, Chairman
Arlyne Fox, Vice Chairman
John Lauria, Secretary
Carmine DeFeo
Kevin Chamberlain
Elaine Wang
Jeffrey Wright

ALSO PRESENT: First Selectman Timothy M. Herbst, Frank M. Smeriglio, Town Engineer P.E., (arrived at 9:54 p.m.) and William Maurer, LS, Civil Engineer I

The Chair convened the meeting at 7:33 p.m.

First Selectman Timothy M. Herbst introduced the two newest members to the IWWC, they were appointed by the Town Council last month as emergency legislation and were sworn in. First Selectman Herbst welcomed and congratulated new members, Jeffrey Wright of Huntington Turnpike a long time resident and painting contractor and Elaine Wang a graduate of Tufts and Cardozo Law School (First Selectman Herbst left the meeting at 7:36 p.m.)

All present joined in the Pledge of Allegiance led by Commissioner Fox.

The Chair announced he would be taking New Business out of order.

Commissioner Lauria read the Public Hearing notice into the record at 7:36 p.m. as follows:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Inland Wetlands and Watercourses Commission of the Town of Trumbull will hold a Public Hearing on Tuesday, October 2, 2012 at 7:30 p.m. in the Trumbull Town Hall Courtroom, 5866 Main Street, Trumbull, Connecticut, on the following application:

Application 12-34, RDR 5520, LLC - Permit approval to construct a 120,260 s.f. outpatient center with a 10,000 s.f. stand alone daycare facility within a regulated area at 5520 Park Avenue in the Town of Trumbull, CT and to construct a five level (four story) parking garage with 571 parking spaces within a regulated area at 5456 Park Avenue in the City of Bridgeport, CT.

A copy of the application and maps are on file for public inspection in the Town Engineer's Office, Town Hall, Trumbull, Connecticut.

Dated at Trumbull, Connecticut this 20th day of September, 2012.

Richard H. Girouard, Sr., Chairman, Inland Wetlands and Watercourses Commission of the Town of Trumbull

REGULAR MEETING:
NEW BUSINESS

The Chair opened NEW BUSINESS at 7:37 p.m.

Application 12-36, Joseph C. Jr. and Karen M. Cullina - Permit approval to construct a new home, retaining wall, deck, dock and storm water system, to remove dead trees and to deposit fill within a regulated area at 70 Old Dike Road.

Mr. Bruce Bombero, L.S. representing the applicant was present and indicated that this parcel was spilt into three lots in 2008 at that time the house was going to be 100' from the regulated area, since then they cleared the lot and inadvertently constructed a 5-6' loose rubble wall within 50' of the wetland. This abuts Pinewood Lake. They did not have to come before the IWWC before because they were in the uplands beyond the 100'. They did not know they needed a permit, the house is still over a 100' away from the regulated area and the deck is 96'. Mr. Bombero requested that this be deemed an insignificant activity, the commission could act on the application at this meeting and the applicants could continue to construct their house. If they knew they had to come in for a permit they would have done so sooner, this was the first time they were building a house. Originally the house was only a rectangle, they had no specific design for the house, and there was a 25' backyard. Originally they were not within the 100' of regulated area; if the commission wants them to reduce the deck size they would be agreeable. Commissioner Lauria noted that the issue is the land clearing that had taken place previously to coming before the commission. Mr. Bombero further explained that originally this was an existing house lot, they always had access to the lake, they were not asking to do any more activity than before and there was an existing dock. They would have come before the commission if they knew they were going to this far back. All the grading is done, the retaining wall is in and there should not be anymore disturbance in the wetland setback area. The storm water system was originally farther up the slope they moved the house down by approximately 20'. Commissioner Chamberlain stated that it is not just the matter of the wall but the fill behind it to raise the grade approximately 5-6'. The storm water system is within the 100' regulated area. Mr. Bombero indicated the area is within 50' of the wetlands and the fill is all native material, nothing was brought to the site behind the wall. Silt fences were indicated on the proposed site plan. The drainage system is a requirement for Planning & Zoning to show on-site detention. The systems were designed by Mr. Bombero. The base of the wall area was cleared approximately three (3) years ago; this is not a speculative house, the applicants plan on living in the house. It is a 2 acre parcel, it had been cleared up to the wall, this was an extensively wooded property, there had been removal of trees on the lot in excess of 50 trees, there were 15-20 trees removed within the 100' regulated area.

Motion made (Lauria) seconded by (Chamberlain) to RECEIVE Application 12-36 (Joseph C. Jr. and Karen M. Cullina).

VOTE: Motion CARRIED unanimously.

Motion made (DeFeo) seconded by (Wright) to CLOSE New Business.

VOTE: Motion CARRIED unanimously.

New Business CLOSED at 7:49 p.m.

PUBLIC HEARING:

The Chair opened the Public Hearing at 7:50 p.m.

Application 12-34, RDR 5520, LLC-Permit approval to construct a 120,260 s.f. outpatient center with a 10,000 s.f. stand alone daycare facility within a regulated area at 5520 Park Avenue in the Town of

Trumbull, CT and to construct a five level (four story) parking garage with 571 parking spaces within a regulated area at 5456 Park Avenue in the City of Bridgeport, CT.

Attorney Raymond Rizio representing the applicant RDR 5520, LLC and Bridgeport Hospital was present. The property is located at 5520 Park Avenue where there is currently a 76,000 sf office building along with the Norma Pfriem Radiation Center in the back. The parcel is a 5 acre parcel in Trumbull and 2 acres located in Bridgeport. The Chair stated that both new commissioners had been to the property. The Bridgeport IWWC approved the Bridgeport side of the project and the garage. St. Nicholas Church owns the property in Trumbull and will be conveyed to the owner of RDR 5520, LLC, each piece will be distinctly set in each town, the parking garage will be totally in Bridgeport and the new office building will be totally in Trumbull. They are proposing tonight to relocate the existing detention basin located on the property. By definition this is a wetland but by virtue of its location within an isolated section of pavement they believe that they will improve the situation by relocating the basin underground.

Bill Kenny principle of William Kenny Associates of Fairfield, CT and a soil scientist and wetland scientist with a degree in environmental management from the Yale School of Forestry and also a landscape architect was present and indicated his first task on the project was to study the property and to locate the existing watercourses. There is a detention basin within the parking lot and there is a forested area south of the property. That system is on the Bridgeport side of the development. The other task was to help with the design to minimize the impact and to enhance the wetlands and watercourse function on the property.

Existing Conditions as described by Mr. Kenny are as follows:

- Storm water basin drains to a culvert to the forested wetlands on the south side of the property. The forested wetland is gently sloping and is a good quality wetland with a variety of canopy, vegetation and does not have a lot of invasives. The primary water source is the detention system.
- The detention basin's primary function and value is its ability to hold storm water. It is a small isolated basin and is completely surrounded by a parking lot. Its primary source of water is storm water runoff from several acres of impervious surface. In addition it has vertical cement walls along its perimeter which makes it very difficult for wildlife to use. Birds can use it for water but all other wild life has limited access, there is no cover to provide shade. The pond is shallow, in direct sun with no canopy; the water can heat up quickly providing a very harsh environment for organisms to live in, and only the most tolerant urban organisms can survive in the storm water basin. There is little to no vegetation. Because of the type of water basin it is, the water falls into and drains into the wetland within an hour, and is emptied out within 12 hours of the rainwater entering it. They looked to provide ways to improve upon this situation while remaining the basin's primary function to hold water.

Proposed Conditions as described by Mr. Kenny are as follows:

- Use of a sub-surface infiltration system and porous pavement. From an environmental perspective this mimics what you would have in an unpaved vegetative area; water is directed into the soil and slowly makes it way into the soil. Rather than being shot out of a pipe into the wetlands it will slowly go into the soils over several days similar to a natural system. This will help cool the water and will move into the wetland on a slow regular basis.
- There will be amendments to slow the water to the wetlands, the wetland will be expanded and will create a wetter wetland to support reptiles and amphibians. By providing a similar habitat within the forested wetland, they are going to replace the limited function of the detention basin and will put that into the forested wetland in a higher quality and functioning capacity.

Mr. Kenny stated due to the existing and proposed conditions the functions of the detention basin will be maintained and there will be enhancements made to the other functions on the property immediately adjacent to the property with respect to wetlands and watercourses.

In response to Commissioner Lauria, Mr. Kenny stated by putting the detention basin underground it will slow its movement to the wetland and will provide more of a filter. The detention basin is functioning as a detention basin/pond. The water quality is better than a pool but worse than a pond. If you want to encourage fish life you would want water that is at least 8' deep to provide areas of refuge for the fish. By law and definition it is a watercourse. In response to Commissioner Fox, Mr. Kenny stated that the main water source is the runoff from the parking lot and roofs; it may be excavated to the ground water level at its bottom. Mr. Rizio explained for Commissioner Lauria that source of the detention basin's water had previously been a low lying area that collected water, when they built the N.Y. Times and Golf Digest building they built the detention area to hold water resulting from surface water. They had checked the 1964 maps all they could find is a depression area there was no natural stream feeding it. Previously there had been a bridge that went over a larger detention basin that was fed through pipes from the storm water runoff. The detention basin was not fed by any natural means, it was all man made with high cement walls and no natural rocks. It rises and drops with the amount of water run off feeding it.

In response to Commissioner Chamberlain, Mr. Kenny indicated that the habitat area on the Bridgeport side of the property would be recreated to support salamanders, frogs, snakes and turtles. Mr. Rizio stated for the record that the gold fish in the detention basin are not there naturally, they had been dropped in by one of the doctors' daughters and have managed to live, although he does not expect them to survive the winter. Mr. Kenny stated the recreated habitat would be excellent for birds, there will be diverse vegetation, canopy and provides an area to nest. Right now there are no nesting areas available for the birds and are only able to pass through. The forested area has more habitats such as deer, raccoon and will be even better now after the enhancements are made. Mr. Kenny indicated that there will be 400 types of native perennial herb plants and densely planted wetlands on the Bridgeport side. Mr. Kenny indicated that the homes that are on the other side would not be affected.

Mr. Rizio indicated that the proposed garage wall is a living wall and will face the neighbors; this was part of the Bridgeport conditions of approval. Mr. Rizio explained for Commissioner Wang that the best he can gather is that the detention basin was a depression on the property that collected water it was not fed by a stream; there had never been a pond and was built thirty years ago to handle the storm water run off. Mr. Rizio indicated for Commissioner DeFeo that the bottom of the basin is soil. Mr. Kenny explained for Commissioner Chamberlain that they had just done a design in Southport very similar to this design. Mr. Rizio stated the Southport design is a cancer survivor center on Pequot Avenue. They reclaimed the wetlands in almost an identical design to what is being presented for this application. Mr. Kenny indicated that the ecosystems are in successions it is natural to have very dense plantings not every plant survives, but will get the dense coverage in the beginning and keeps the invasive plants from taking hold and providing shade quickly. It is two (2) times the number of plants in the same foot print. Mr. Rizio indicated that the site slopes if you look at the site from RT. 25 it appears as a 2-story building built into the grade. The garage will be similar built into the grade.

Eric Lindquist, P.E. of Tighe and Bond was present and reviewed the current conditions with the commission as follows:

The site is covered with bituminous pavement; there is a series of catch basins throughout the site that collect the pipes' runoff to the detention basin. There are also roof leaders that collect run off and bring it

the detention basin. The pond is fed by sheet flow, pipe flow and some ground water flow. The CT DEP requirements for storm water quality do not want to see direct discharge to groundwater; they like to see a 3' distance from the infiltrator and where you are discharging from. That is not happening in its current condition. Once the storm water is collected and the basin fills it is discharged to a channel and exits to an existing culvert. The outlet is well above the wetland elevation, there are issues there now, but the proposed plan alleviates and improves upon that issue.

Mr. Lindquist reviewed with the commission the proposed plan as follows:

- The brick color indicates the porous pavements, the blue indicates a below grade detention facility. The intent is as the runoff hits the site it will go into the porous pavement; it will go to a filter and sand course to alleviate the pollutants.
- There is a storm reservoir course as well, reducing the flow on site, it will discharge out to the site and allowing the water to infiltrate the ground. The water will be allowed to cool before going into the ground.
- The detention basin is being relocated underground. They are reducing volume and flow by 10% with the new design.

It was confirmed that the engineering report had been submitted. Mr. Lindquist explained for Commissioner Wang that the porous pavement would need to be maintained. The Chair stated that as part of the conditions it will be required to maintain the porous pavement twice a year per Bridgeport and Trumbull. Mr. Rizio confirmed that is part of the approval for the Bridgeport application. Bridgeport Hospital is planning on being here for a long time and this is a strategic part of the plan. Mr. Lindquist stated in order to maintain the porous pavement it would be necessary to vacuum, jet it and to make sure that the plows are not scraping the pavement. This would be done by having the plows set at the proper height and angle. Mr. Rizio added that the naked eye can not distinguish between the porous pavement and bituminous pavement (a different aggregate.) In response to Commissioner Chamberlain if in ten (10) years the porous pavement does not function as expected, they could provide more chambers and or more detention basins, although they do not expect that to be the case. This is the preferred method.

Additional measures as presented by Mr. Lindquist are as follows:

- Rain garden from the church site as an added measure for storm water management quality. The general idea is that the flow leaves the pond to pipe; the intent is to build a structure above grade with an emergency over flow on top keeping the ground wetter. It will not clog as the current structure does.

The alternate plan was reviewed by Greg Hagus, Director for Shepley Bulfinch Architects of Boston, Massachusetts. The plan presented at this meeting is the best and only plan for this site, the alternate plan submitted does not work for a number of reasons, they are as follows:

- The height of the building would need to be increased.
- The connection to the new parking facility would be lost, as well as the existing drop off to the radiation oncology center.
- If they lose 10,000 sf of the facility they would have to add height to the facility to maintain its uses and is not optimal for a health care facility.
- The proposed bridge is lost by moving further away from the garage. The top floor provides priority parking to the top floor surgical center.
- The drop off for the sickest people coming to the facility at the existing radiation center would be lost.

Mr. Rizio explained that the connectivity is important and significant.

Mr. Norman G. Roth Executive Vice-President and Chief Operating Officer of Bridgeport Hospital was present and indicated that this project involves a long term lease (30 years). There is a long term commitment to the project. It will be the principle outpatient facility that Bridgeport Hospital operates. The entire ground level will be oncology services blending the benefits of the Norma Pfreim Cancer Center with the Smiloh Cancer Hospital to become a comprehensive outpatient center in Trumbull, CT. The first floor has radiology facilities, Norma Pfreim Breast Care Cancer Center and a primary care clinic with some walk-in appointments available for urgent cases. The third level will be the surgery and G.I. suite. They have devoted a significant amount of time to ensure that they do everything possible to improve the wetlands and the storm water catch basin that is currently there. The proposal heard at this meeting will deal effectively with the management of the water; the true wetlands that are in Bridgeport will significantly enhance the viability and improve the wildlife habitat. He believes the engineering that went in to the design of the water management has been improved upon for the site and the neighbors at large. On behalf of Bridgeport Hospital he thanked the Commission for their attention at this meeting and respectfully requested approval of the application.

Mr. Rizio concluded the presentation.

In response to Commissioner Chamberlain, Mr. Rizio confirmed that the Bridgeport and the Trumbull side will be two (2) separate lots. When the project is completed all of the Trumbull land will be under one owner and the parcel in Bridgeport will be owned by its own entity. There is a similar condition included in the Trumbull Engineering letter with regard to an easement being recorded as included in the Bridgeport approval.

William Maurer read a letter from the Town's Engineering Department to Raymond Rizio. dated October 2, 2012.

Mr. Lindquist explained for Commissioner Wang that the system was designed for a 100-year storm.

Mr. Rizio respectfully requested that this application be approved as proposed, it will increase the water quality on the site and will decrease the storm water runoff and will not have a negative impact on the general environment of the area.

There were seven (7) people present from the public to speak on behalf of this application:

1. Mr. Brian Jones of 100 Flint Street was present and indicated that his wife is a breast cancer survivor and he is a prostate cancer survivor. He spoke in favor of having such a facility. It is critical for the best possible care for people diagnosed and their families. This is a great honor and opportunity for our Town. He totally supports this project.
2. Paul Dereg of 27 Turkey Meadow Road was present and spoke in favor of this application. He is a physical therapist who treats cancer patients and is a cancer survivor himself, as well as his wife. Both had been treated at Bridgeport Hospital. The ability for Bridgeport Hospital to spread the quality of care through an outpatient facility such as this is an opportunity for Trumbull to put itself on the map in the health care world. He would strongly recommend the commission approve the application. The ability to be treated by the quality of care Bridgeport Hospital provides is wonderful. in addition to the other services offered there will be a rehabilitation facility on this site to provide physical medicine and rehabilitation.

3. Scott Thornton of 24 Cherry Gate Lane, Co-Medical Director of the Norma Pfreim Cancer Institute of Bridgeport Hospital was present and spoke in favor of this application. This is very important to have this set up as an outpatient center. Trumbull is a tremendous place to live; he is a twenty year resident and plans on staying here for quite a long thereafter. In order to be able to provide this level of care in Trumbull is a tremendous opportunity for us. The wetlands in the area will be better served. Mr. Thornton spoke in favor of the application.
4. Steve Jacob of 22 Firehouse Road was present and indicated that he, his wife and family have lived there for 14 years and care about the environment and wetlands. They love the Town and stated that it would be a feather in the cap of Trumbull to be able to host a world class cancer service with Bridgeport Hospital partnering with Smiloh Cancer Hospital of Yale New Haven and offering that quality of care and access to area residents of Trumbull and surrounding towns. We have all been touched by cancer and know how important that level of care is. He was impressed by how thoughtful and considerate the applicants have been about the wetlands and the environment. There seems to be on-going consideration of several alternate approaches. They have settled on one that seems to him that overall improves the quality of the environment and the wetlands while creating a very significant resource for cancer patients and their families in our own community which is tremendous. He urges the commission's approval and fully supports the application.
5. Ed Card of 182 Plattsville Road was present and indicated a lot of information was presented at this meeting and requested that the commission take a 10 minute recess before he has the opportunity to make his remarks. The Chair indicated that once the hearing is closed comments can not be heard. The application/file has been available to the public for review before this meeting. Mr. Card indicated he is sympathetic to those who are sick with cancer; he has had family members who have survived and some who have not survived. He stated that this is the right project in the wrong place. He gave credit to developers, noting that they held a meeting with the neighborhood where a number of their concerns related to water, wetlands and other things were addressed. Coming from that discussion, they did say they would go back and look at their plans and would make changes to the design and proposal and he is anxious to see that. If the project is revised he may be able to support it but at this moment he can not. He showed on a map where his residence is in relation to the project. He was pleased to hear that the wildlife's habitat will be better. If this application is approved, the pond will be gone. He is opposed to the project as it stands and requested that the commission deny the application. He is confused because the first application was within 50-100' of the wetlands. This application involves being on top of it. There was a bridge and was much larger, this will remove more. If they came back with a different approach or a scaled down project he would be very much interested in seeing that and would give them his consideration. He is opposed to the project in its current configuration and asked the commission to not approve the application as it is currently proposed.
6. Joe Tivadar of 139 Plattsville Road submitted a photograph representing the flooding behind 5456 Park Avenue. The purpose of the project is a fantastic, he has family members who have survived cancer and he has had relatives who lost their lives to cancer, he has no issue with the purpose of the facility, but does have concern with the impact it will have to the single family residences. The pond was fed by neighboring properties; the northeast corner of this property had a head wall that collected water from the neighboring properties back when Golf Digest was built. When they reconfigured the building in the northwest corner they rebuilt catch basins in the same location to catch water coming onto the property and the neighboring property. There is water that is coming onto 5520 Park Avenue that does not come solely from 5520 Park Avenue. Mr. Tivadar

questioned why there was going to be two (2) separate owners. Mr. Tivadar showed where the picture was taken from on his property. There is a high water table in the area, his basement has water issues. The house has been in his family since the 1950's and could not state when the water issues in the basement began. Mr. Tivadar is concerned that by bringing more water into the area he will have more basement water issues. He is concerned that over time what would happen if the porous pavement is not maintained and questioned what the useful life of porous pavement is. As neighbors their concerns is the impact to their properties. There are issues with site line and property values as well. One concern that he has is that the hospital is 5013(c) operation; initially it will be a lease and questioned what would happen if they buy the property, Bridgeport and Trumbull will not receive any tax dollars. The type of treatment facility it is they are in support of but are concerned with the density and the effect on property values. Trumbull is a great place but wishes the facility was not in such a residential area. Mr. Tivadar thanked the Commission for their time and opportunity to speak.

Mr. Rizio stated that the photograph Mr. Tivadar submitted is of the Bridgeport wetland. That portion of the project has been approved. Mr. Lindquist of Tighe & Bond indicated that the picture was taken when the outlet pipe was clogged. In response to Commissioner Wright, Mr. Lindquist confirmed that their system is designed to alleviate the flooding represented in the photo. In response to Commissioner Chamberlain, Mr. Lindquist stated that there should not be a significant increase of water, there will be a mounding effect. It is localized water. The primary source of detention is a closed system. The system and the natural grading of the land allows for it to flow towards Bridgeport. Mr. Rizio added that there is 3' berm and the curbing that protects all of properties on Plattsville. In response to Commissioner Fox, Mr. Rizio stated that there was a meeting with the residents, there is a current flooding issue, and part of the flooding problem is that the outlet pipe is too low, it constantly gets clogged and the water runs over. By raising the outlet pipe they will be able retain and control the water. The pipes on the Bridgeport property and wetland are ineffective. Tonight's meeting is with regard to the detention basin. They are actually improving the Bridgeport wetlands by the activities happening in Trumbull. Mr. Lindquist would have to look up the exact cubic feet that the system holds for Commissioner Wright. The porous pavement has the same life expectancy as asphalt.

1. Ellen Kennedy of 100 Waller Road, Bridgeport, CT was present and indicated that she has been a resident there for 28 years. Ms. Waller wanted to speak to the Bridgeport IWWC permit. The Chair clarified that the Bridgeport permit was out of the Trumbull IWWC's purview. She spoke to the clay barrier on the perimeter to ward of the flooding to the adjacent properties noting that it did not seem to be an adequate solution when the water table rises. The wetland mitigation plan calls for spraying for five (5) consecutive years, she would like to know what they are going to be spraying around the sensitive wetlands, noting that this is a shared water table. This has to be looked at as one project, under Bridgeport's general conditions of approval no equipment shall be stored in any wetland or watercourse and noted that is too vague. She is concerned with the effects of the construction of the garage and how it will affect her property and to the possible damage it could cause to her property, it is 15' from her property line. They have not seen the water report and would like to before any decisions are made. Cancer is almost an epidemic, it is an important issue, and her oncologist is from Bridgeport Hospital. They are homeowners who have lived there for 38-40 years and have been paying taxes all those years. This is going to disrupt their property values, and would like that taken into consideration.

Mr. Rizio stated that all of the conditions referred to by Ms. Kennedy were conditions imposed upon them by the Bridgeport IWWC in an effort to alleviate the current failure of handling the Bridgeport wetland.

The Chair called for anyone else to speak from the public. Hearing none.

Mr. Rizio stated that there have been no facts or circumstances that need to be rebutted because there were no facts or circumstances discussed with regard to issues arising from the relocation of the detention basin. No one spoke to the loss of the environmental aspects of the detention basin located in the middle of the parking lot. There was no loss of wildlife or negative effects on the environment. The issues the neighbors are struggling with are the issues with the Bridgeport wetlands and by the conditions put on their approval through Bridgeport they hope to alleviate a lot of the condition that they are suffering from. Tonight's presentation showed that the relocation of this detention basin to underground will not exasperate that situation. There has been no evidence put forth that there would be any negative effects from relocating this detention basin. It is clear by the evidence put forth that the project will bring a better quality wetland in Bridgeport and more ability to control the flooding that the Bridgeport residents are currently suffering. There is no negative effect to the health, safety or impact to the residents of Trumbull. Mr. Rizio respectfully requested the Commission approve this application at this meeting and hope to be presenting to the Planning & Zoning Commission in two (2) weeks.

Moved by (Fox) seconded by (Chamberlain) to CLOSE the Public Hearing.

VOTE: Motion CARRIED unanimously.

The Public Hearing CLOSED at 9:41 p.m.

The Chair called a recess at 9:42 p.m.

The Chair called the meeting back to order at 9:54 p.m.

(Mr. Smeriglio arrived at 9:54 p.m.)

The Chair stated for the record that the applicant submitted certificate of mailings for the public hearing on Application 12-34.

OLD BUSINESS:

The Chair OPENED Old Business at 9:55 p.m.

Compliance with the June 5, 2012 Inland Wetlands and Watercourses Commission Decision on: Application 12-20, Robert and Melissa Daniel - 638 Booth Hill Road.

Mr. Maurer read a letter from Robert and Melissa Daniel dated September 28, 2012 regarding a request for a continuance.

Moved by (Fox) seconded by (Lauria) to grant a two (2) month extension on the June 5, 2012 Inland Wetlands and Watercourses Commission Decision on Application 12-20, Robert and Melissa Daniel - 638 Booth Hill Road.

VOTE: Motion CARRIED unanimously.

Compliance with the June 5, 2012 Inland Wetlands and Watercourses Commission Decision on: Application 12-22, Benjamin Proto - 634 Booth Hill Road.

Moved by (Lauria) seconded by (Wright) to grant a two (2) month extension on the June 5, 2012 Inland Wetlands and Watercourses Commission's Decision on Application 12-22 Benjamin Proto - 634 Booth Hill Road.

The Chair indicated that Mr. Proto is the attorney for Tina Beyer.

Mr. Maurer read a letter from Tina Beyer regarding a request for a two (2) month continuance.

Mr. Maurer read a memo into the record from the Town Engineer's office to Ms. Beyer dated October 2, 2012 written in response to the September 26, 2012 letter and walk through on October 2, 2012.

VOTE: Motion CARRIED unanimously.

Moved by (Fox) seconded by (Chamberlain) to CLOSE Old Business.

VOTE: Motion CARRIED unanimously.

Old Business CLOSED at 10:01 p.m.

WORK SESSION:

The Chair OPENED the Work Session at 10:02 p.m.

MINUTES:

Motion made (Lauria) seconded (Chamberlain) to ACCEPT the September 4, 2012 IWWC meeting minutes as submitted. VOTE: MOTION CARRIED UNANIMOUSLY.

FIELD INSPECTION:

By unanimous consent the Inland Wetlands and Watercourses Commission scheduled the Field Inspection for Application 12-36 (Joseph C. Jr. and Karen M. Cullina) on Wednesday, October 10, 2012 to leave the Town Hall at 3:30 p.m.

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

Motion made (Chamberlain) seconded by (Fox) to approve Application 12-34 (RDR 5520, LLC) for discussion purposes. Commissioner Chamberlain withdrew his motion.

Motion made (Chamberlain) seconded by (Wang) to approve Application 12-34 (RDR 5520, LLC) subject to the General Conditions as established by the Commission and the following specific conditions:

- All Conditions outlined in the letter from Frank M. Smeriglio, Trumbull Town Engineer to the applicant dated October 2, 2012 be incorporated as part of this approval as follows:
 - a. Final construction plans shall be submitted to the Engineering Department for review and approval as part of the Planning and Zoning application. The review of the bonding requirements shall also be reviewed as part of the Planning and Zoning Application.
 - b. All soil and erosion control measures shall be in place prior to any construction activity.
 - c. Erosion control monitoring report shall be conducted on a weekly basis, prior to a rain storm and after a rain storm. The monitoring shall be conducted by a professional and the report shall include the status of erosion controls with recommendations to maintain them. The reports shall be available to the Town of Trumbull upon our request.
 - d. Prior to the issuance of a certificate of occupancy, an A-2 survey of all improvements shall be submitted for review and approval. Along with the A-2 survey, a certification letter by a

professional engineer indicating that all improvements were constructed in accordance with the design plans shall also be submitted for review and approval.

- e. A storm water maintenance program for the storm water systems including but not limited to the drainage structures, detention system, porous pavement and the storage system below the porous pavement shall be completed. The monitoring shall be completed by a professional engineer and in accordance with the recommendations per the Tighe and Bond drainage report dated August 21, 2012. A report shall be generated per inspection. The report shall summarize the status of the of the drainage system, status of the porous pavement, status of the storage system below the porous pavement and recommended actions to the systems to ensure that it's functioning in accordance with the approved plans. Failure to properly monitor the storm water systems shall be deemed a violation of the subject approval, enforceable by the Town of Trumbull IWWC as a violation of the IWWC regulations. This requirement shall be filed on the land records, which shall run with the land and be binding on the owner and their successors and assigns. The maintenance program shall be in place prior to the issuance of the certificate of occupancy:

And the following specific condition per the IWWC:

- An easement shall be recorded on the Trumbull Land Records on 5520 Park Avenue in favor of 5456 Park Avenue for the purpose of access and maintenance of the drainage facilities.

VOTE: Motion CARRIED unanimously.

CORRESPONDENCE:

The Fall 2012 Southwest Conservation District Newsletter was distributed to the IWWC.

There being no further business to discuss the Inland Wetlands & Watercourses Commission adjourned by unanimous consent at 10:12 p.m.

Respectfully Submitted,

Margaret D. Mastroni

The Inland Wetland & Watercourses Commission Clerk