

INLAND WETLANDS AND WATERCOURSES COMMISSION

**Town of Trumbull**

CONNECTICUT

www.trumbull-ct.gov

TOWN HALL  
Trumbull

TELEPHONE:  
(203) 452-5005



November 13, 2012  
MINUTES

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

ABSENT: Elaine Wang  
ALSO PRESENT: William Maurer, LS, Civil Engineer

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The Chair convened the meeting at 7:30 p.m.  
The Chair announced that Application 12-45 had been withdrawn.  
All present joined in the Pledge of Allegiance led by Commissioner Fox.

Commissioner Lauria read the Public Hearing notice into the record at 7:31 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, November 13, 2012 at 7:30 p.m. in the Trumbull Town Hall Courtroom, 5866 Main Street, Trumbull, Connecticut, on the following application:

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 Map I-7, Parcel 162 - Old Dike Road.

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 1<sup>st</sup> day of November, 2012.

*Richard H. Girouard Sr.*

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

The Chair opened the Public Hearing at 7:32 p.m.

Application 12-36, Joseph C. Jr. and Karen M. Cullina:

Ms. Karen Cullina and Mr. Joseph Cullina of 70 Old Dike Road were present. Ms. Cullina indicated that they had been Trumbull residents for 20 years and is in the process of building their dream home on Pinewood Lake. The wetlands on their property and the subject of this application is a low spot and functions as a detention basin. When the commissioners conducted their site visit it was after significant rainfall and there was no standing water in the area. They believe the construction of the wall has had no effect on the wetlands, in fact as stated by the soil scientist in his report the wall stops soil erosion and is a conservation practice for wetlands areas. This is an insignificant activity and respectfully requests the commission approve the application as submitted.

Mr. Bruce Bombero, P.E., L. S. has been practicing engineering for 25 years and surveying for 50 years. The property was done by him in 2009. Mr. Bombero submitted for the record a copy of the original plan and a copy of the detention calculations. The house is approximately in the same location but was shifted downhill by 50'. That is where the problem lies. There is no silt collecting where the silt fence is, this will be a permanent demarcation and will not be going over the wall other than going around it to get to the dock. There is an existing dock. This is an insignificant activity; the closest point of the house will be the deck. The deck will be on piers and does not believe it will have much impact on the wetlands. The 100' setback line was staked out but was done in error. In response to Commissioner Lauria, Mr. Bombero stated that a dock is matter of right on a lake. The water is lowered in the spring by the lake association, which is when they will build the new dock. Ms. Cullina stated that it is intended to be a fixed pier. Mr. Bombero indicated that they would be driven piles into the soil and the dock will be built on top of it. Ms. Cullina stated that the dock is part of the application even though they do not know exactly where it will be until after the house is built; after the house is built they will be able to see where it makes sense to put the dock. They included the dock in this application so that did not have to come before the commission at a later date. Ms. Cullina confirmed that there are no dock details included in this application, typically a dock is either 8' or 10' long by 4' wide, and they go out straight. Commissioner Lauria noted that the plans represent a 16' x 30' dock. Mr. Bombero stated a dock is a matter of right, riparian right; they can put a dock in and do not need wetland permission. Mr. Bombero stated that on the ocean DEP approval is necessary although it is not necessary on a pond. Commissioner Chamberlain stated that it is a matter of right to have a dock, but it is still subject to the IWWC review of the details and approval. Commissioner Lauria stated that wetlands are right next to the area both upland and inland therefore the dock would still be within their auspices. Mr. Bombero stated when the applicant has details of the dock they could come back for the commission's approval. Ms. Cullina stated that there is a walkway adjacent to the wetlands to get to the dock. Ms. Cullina stated currently there is a path to the current dock, it is a packed down path and will be left as dirt path. Mr. Bombero stated that they would not be putting down any flagstone or asphalt it will be a dirt path. Ms. Cullina confirmed that. The lake is deemed a quiet lake and only allows electric motors. Mr. Bombero stated the wall is significant, there are boulders within the wall that are 2,000-3,000 pounds, they will not move and he will put that on record, he can and will certify that the wall will not move. Mr. Bombero stated that there is no soil creeping out from the stones, it would not happen because there is a grass mat on top, there is no velocity to the water, and there will be no scour. Commissioner Chamberlain indicated that is not accurate there is no fabric behind the wall; the soil will wash right through. Mr. Bombero explained that it is a dry rubble wall, it can float up and down, it is not used for any footing, and structurally it does not need a foundation. Mr. Bombero will supply the commission with a letter that the retaining wall is sound. Ms. Fox stated that she is concerned with the retaining wall and indicated the more detail that he could give the commission the better. Ms. Cullina

stated that wall did not move during Hurricane Sandy, the wall is 60' from the wetlands area there is a significant amount of space between the wall and the wetlands area.

JoAnn Parsons a member of the Trumbull Conservation Commission was present. The Conservation Commission is a science based advisory commission that oversees the protection and provision of the natural resources in Trumbull; they act in an advisory capacity to the land use boards as well as making recommendations with regard to open space, watershed plans and natural resource preservation. They have reviewed the IWWC applications, this application in particular caught their eye because the activity took place before the application had been filed which concerns them, the lake is a valuable resource, the water is clean and they want to see it stay clean for future generations, protecting the lake now will determine the water quality tomorrow. Ms. Parson's read the Conservation Commission's comments into the record (Attached); the comments had been previously submitted and are included in the file. Ms. Parson's encourage the commission to consider the Conservation Commission's comments in their review of the application. A copy of the conservation commission's comments was sent to Jim Fracker prior to this meeting and a copy was given to Mr. Bombero at this meeting.

Ms. Cullina stated the issue with the activity that has occurred has to do with the wetlands on their property; it has nothing to do with the lake and beyond the 100' from the lake. Mr. Bombero confirmed Ms. Cullina's statement, the water drains into the depressed area, the wetland acts as a natural buffer. The impact from this activity is insignificant, if they were to plant grass and butterfly gardens it will further filter the water before it gets into the aquifer. Mr. Bombero stated that this is not a vernal pool, the wetland was created because this was a reservoir in the 1920's, the water was dammed up and that is how this wetland was created, the water level in the lake is about the same level as the water in the wetland basin. There is no standing water and does not believe there is any standing water at any time, it well drained sandy soil, there are no mosquitoes and there is no vegetation that indicates wetlands.

Mr. Cullina indicated that they have no intentions of clear cutting any trees in the area from the wall to the lake. Mr. Bombero stated if he was a homeowner in that area he would clear any trees that were within 100' for safety reasons based on the most recent hurricane this area had.

Mr. Bombero stated that the amount of water from a footing drain is an insignificant amount of water, there is no velocity to it, the pipes are almost level there is never protection placed in the footing drain, it is the same with the overflow pipe, there is no velocity to cause scour. The Drainage Calculations Report contains the velocity of the pipes. The detention basin is designed for the 100-year flood. It is a 6" pipe and typically they let it go out to grade. The runoff will be detained in the detention basin and will be attenuated to what it was before any construction. The regulation in Trumbull is that 5% of the driveway be paved. Mr. Cullina stated other than that it will be a gravel driveway. Mr. Bombero stated there are retention galleys proposed. Ms. Fox indicated that her concern was for a drain at the bottom to filter water coming down the hill. Mr. Bombero indicated that a covered drain is not needed. There is a hooded basin that will go to a grass swale in the lawn, then to a hooded basin which traps the sediment and then to the detention basin galleys and to filter out further sediment.

Mr. Bombero confirmed for Commissioner DeFeo that the wetland area is a well-drained sandy Charleston soil. The water being within 18" of the surface is what defines it as a wetland soil. When they put the causeways in and the water came up that created the wet spot, it is still a Charleston soil it did not change the soil type. Mr. Bombero explained to Commissioner Lauria in order to catch the water there has to be a point where it can get into the detention galleys so they are going to put a swale into the basin and then into the detention galley. This will depress the basin down it will have to be maintained, most of the leaf litter will wash off the top, it could be bermed to create a 1' depressed area. He would keep the wall high, make a low spot on one side of the wall that will act as a detention basin. Mr. Bombero suggested

eliminating the detention galleys and putting in a rain garden. Commissioner Chamberlain spoke against eliminating the galleys suggesting they could be supplemented. Mr. Bombero stated that grasses are a very good filter for wetlands that is what the state would prefer a grass swale; grass is good absorbent for solids and nutrients.

Mr. Maurer clarified that in Section 4 of the Commission's regulations read as, "Anchorage and mooring is allowed", that is something that can be denied. Commissioner Lauria stated that there is no need for the commission to approve it either. Mr. Maurer further explained that it is a matter of state right, the state grants you the riparian right that you can have a dock if you abuts a body of water. Commissioner Chamberlain stated that they have the right to have it but it still needs to be approved Mr. Bombero disagreed.

Motion made (Fox), seconded by (Lauria) to close the Public Hearing.

The Public Hearing closed at 8:07 p.m.

#### REGULAR MEETING:

#### NEW BUSINESS

The Chair opened NEW BUSINESS at 8:08 p.m.

Application 12-42, Stephen J. & Ivette H. Murphy-Permit approval to make landscape improvements within a regulated area at 40 Brewster Place.

Mr. Bill Kenny principal of William Kenny Associates in f Fairfield, CT he is a soil and wetland scientist and a registered landscape architect. Mr. Kenny was retained by the property owners to help with this application. The property owners purchased the property in May of this year and later in the summer did landscape activities, they had contracted with a local landscaping company. There is a gas easement in the same area they needed to coordinate with Gas Company as well as the Town. They are very conscientious and want to do the right thing, hey responded very quickly to the staff's concerns, and got professionals involved and a plan very quickly. They were unaware of the wetlands on their property. Proper erosion controls, silt fencing and hay bales were use, temporary seed was put down to stabilize the area. A detailed survey was done, Mr. Kenny mapped the wetland working together they submitted this plan to the commission. The existing conditions are as follows:

Most of the land is draining to the north through the eastern portion of the property and from the west across the property. There is a man-made pond immediately south of the property and drainage that extends to the eastern section of the property. Due to the development of the neighborhood around this property and the gas easement the wetlands have seen a lot of disturbance over the years and will continue to see disturbance with the gas easement and the necessary maintenance that goes along with the easement, this maintenance is done every 3-4 years. There is a piped watercourse, culvert that discharges at the northern property boundary, there is a watercourse that is at the eastern end of the property, to the west of that there is an area of wetland, which includes a relatively young woodland, meadow and shrub wetland along the gas clearing that occurs every few years. The woodland wetland continues in a narrow fashion on the south side of the easement, there is some lawn wetland at the very southern portion of the property. Mr. Kenny found various amounts of fill in the soil during his tests; there is approximately a foot of fill from decades ago when the subdivision was built. There is a remnant piece of wetland at the northern section of the property with the installation of the driveway decades ago. It was left as a drainage to a shrub area and directs it to the culvert beneath the driveway. When the applicants began the

landscape improvements it was more than 100' away. In the gas line easement area there is thicket and rows of other invasives and poison ivy; they intended to clean this area out and went into the buffer by a few feet into the wetland, similar activity took place north of the driveway. They are proposing in the area of the gas line easement a meadow seed mix to restore the buffer to the west and the little bit of disturbance to the wetland. North of the driveway adjacent to the wetland, they are proposing native perennials and native shrubs that would have a more organized look. There were existing down spout drains that picked up water off the roof of the house, new pvc pipe was installed to replace what already existed. At the end of each pipe they will install a stone splash pad to dissipate the velocity and to prevent soil erosion. They would like to plant an evergreen screen that would abut the wetland at its western end, lastly they would like to maintain a path that would take them out to the pond, it would be a simple path of either stone or wood mulch or just loam 4'-6' wide.

Mr. Murphy the property owner of 40 Brewster Place stated that nothing was removed beyond tall grass and poison sumac. Mr. Murphy demonstrated on the map where the work was done. Photographs of the property in its current condition were submitted for the record.

Motion made (Fox) seconded by (Lauria) to RECEIVE Application 12-42, Stephen J. & Ivette H. Murphy.

VOTE: Motion CARRIED unanimously.

Application 12-43, Serge G. Mihaly-Permit approval to remove silt to recreate former pond with outlet and bridge reconstruction within a regulated area at Map I-10, Parcel 29 located on the north side of Unity Road, 250 ft west of Booth Hill Road.

Mr. Paul Bombero, L.S. representing the applicant was present and indicated what is before the commission is an application to remove silt from a former pond, the pond is on the north side of Unity Road 250' west of Booth Hill Road. The pond has filled in over the years, the proposal is to remove the silt and recreate the pond, the pond is delineated by a stonewall and can be used as the boundary line, they will create an outlet. There is an existing bridge to cross the stream, they will be either reconstructing the bridge or will put in headwalls. The pond will be about 4,500 sq. ft. and approximately 390 yards of material will be removed to recreate the pond, some of the removed material will be used to fill in a low spot to the west of the pond. This is not related to any other residential uses. Commissioner Lauria read the letter dated 11/13/2012 from the Trumbull Town Engineer Frank M. Smeriglio and William Maurer into the record. Mr. Bombero stated that no testing has been done and no details have been done for the bridge it may be advantageous to put in headwalls and pipe rather than the bridge, there is a thin concrete slab that is currently there and has been there for years and is still able to be walked over. The bridge would be pedestrians. They intend to remove what is there take it out and put in a new bridge.

Mr. Bombero made the following comments in response to the 9 points included in the aforementioned letter:

1. Pumping would be the most advantageous. This is a permanent low flow, (in the summer time) stream, it would be advantageous to do the construction when the lower the lake.
2. He will need to do the calculations on the effects of the 10, 25, 50 and 100 year storm events.
3. There is a slight bit of proposed grading change to the west of the pond, the testing can be done with regard to the suitability of the fill that is there, a portion of the material may stay on site. The majority of the material will be taken off site.
4. No comments made.
5. The details could be brought next month; it may be advantageous to do the pipe headwall.

6. This will be fixed
7. The pond existed this way previously
8. No plan to stock the pond it will be adequate for aquatic life at 6' deep.
9. If they went to 5,000 sq. ft. they would need a permit from the Army Corps of Engineers. He is not aware of any other approvals from any other agency than this commission

Mr. Bombero stated that this is not mapped at all.

Mr. Maurer indicated that there are a large amount of questions still remaining and need to be received; he would not recommend receiving this as a full application at this time.

Mr. Bombero stated the applicant would be working in the summer he could come in again next month to receive the application.

Motion made (Fox) seconded by (Wright) NOT to RECEIVE Application 12-43, Serge G. Mihaly  
 VOTE: Motion CARRIED unanimously.

Application 12-44, Jerry Albarelli - Permit approval to remove 32 Pine trees and plant several shrubs in backyard within a regulated area at 53 Wildwood Drive.

Mr. William Tilt was present representing the applicant. Mr. Tilt indicated that he asking permission to remove all of the pine trees in the backyard due to safety reasons, they had several medium size trees come down in the recent storm, there are trees that are 125' tall and are considered the medium size trees. He is concerned that it is a dangerous situation and there is concern for loss of life and substantial property damage. They had lost 5 trees due to the hurricane and a sixth tree due to the snow storm He cannot afford the risk. They are proposing to remove only the pine trees, removing the pine trees will allow the lower canopy to grow. They could plant shrubs to replace some of the pine trees. The closest tree to lake is 30' away. He has been told that they will need a crane in order to remove the trees. This has not been an easy decision it is purely for safety reasons.

Motion made (Fox) seconded by (Wright) to RECEIVE Application 12-44, Jerry Albarelli  
 VOTE: Motion CARRIED unanimously.

Application 12-45 - WITHDRAWN

Motion made (Fox) seconded by (Chamberlain) to CLOSE New Business.  
 VOTE: Motion CARRIED unanimously.  
 New Business CLOSED at 8:55 p.m.

MINUTES:

Motion made (Lauria) seconded (Chamberlain) to ACCEPT the October 2, 2012 IWWC meeting minutes as submitted.

VOTE: MOTION CARRIED UNANIMOUSLY.

CORRESPONDENCE:

Motion made (Fox) seconded by (Lauria) to grant a 45-day extension for Application 12-19, Ellen Grosso & Gary Williams 24 Indian Road.

The new deadline is December 17, 2012.

VOTE: Motion CARRIED unanimously.

WORK SESSION:

The Chair OPENED the Work Session at 9:00 p.m.

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

Application 12-36 Joseph C. Jr. and Karen 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 Map I-7, Parcel 162 - Old Dike Road.

Motion made (Lauria) seconded by (Fox) to approve Application 12-36 Joseph C. Jr. and Karen Cullina subject to the General Conditions as established by the Commission and the following specific conditions:

- The dock shall be removed from the application with the caveat that the applicant can come back to the Commission for approval of said dock if necessary.
- Depress the catch basin and install a swale in the back
- The structural stability shall be certified by Mr. Bombero or another engineer.

VOTE: Motion FAILED 3-3 (Against: Fox, Chamberlain and DeFeo)

Motion made (Chamberlain) seconded by (Fox) to amend the prior motion and to approve Application 12-36 Joseph C. Jr. and Karen Cullina subject to the General Conditions as established by the Commission and the following specific conditions:

- The dock shall be removed from the application with the caveat that the applicant can come back to the Commission for approval of said dock if necessary.
- Depress the catch basin and install a swale in the back
- The applicant shall remediate the lack of stone and fabric behind the wall by excavating and installing said material behind the wall for the full length of the wall.

VOTE: Motion CARRIED 5-1 (Against: Lauria)

Motion (Lauria) seconded (Jorgensen) to APPROVE Application 12-42 (Stephen J. & Ivette H. Murphy) as submitted subject to the General Conditions as established by the Commission.

VOTE: Motion CARRIED unanimously

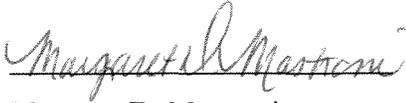
Motion (Fox) to APPROVE Application 12-44 (Jerry Albarelli) as submitted subject to the General Conditions as established by the Commission, hearing no second Commissioner Fox withdrew her motion.

FIELD INSPECTION:

By unanimous consent the Inland Wetlands and Watercourses Commission scheduled the Field Inspection for Application 12-44, Jerry Albarelli on Tuesday, November 27, 2012 to leave the Town Hall at 3:00 p.m.

There being no further business to discuss the Inland Wetlands & Watercourses Commission adjourned by unanimous consent at 9:39 p.m.

Respectfully Submitted,



Margaret D. Mastroni

The Inland Wetland & Watercourses Commission Clerk

To: Members of the Inland Wetlands and Watercourses Commission

From: Members of the Conservation Commission

Date: October 23, 2012

RE: Application 12-36, #70 Old Dike Road, by Joseph and Karen Cullina; for a permit to construct a new home, retaining wall, deck and storm water system, to remove dead trees and to deposit fill within a regulated area.

We have reviewed the above application to conduct regulated activities within the 100 foot regulated setbacks of Pinewood Lake. For a variety of conservation related concerns, we have the following advisory comments that we would like you to consider in your review of this application;

1. The application was filed several months after the activity occurred. This is not the first time that IWCC has received applications after the work has been performed. This appears to be in violation of IWCC regulations. This practice of "cutting first and asking later" diminishes and undermines the authority of this commission and its ability to uphold the laws for which it was formed.
2. The application does not include a survey of any existing or pre-existing trees, so it is impossible to know how many trees have already been cleared within the regulated setback or to monitor trees that might be taken down in the future. These trees serve an important function; their root systems stabilize the slope leading to the Waters Edge and filter pollutants that runoff into the lake. The tree canopy provides native habitat for a variety of wildlife.
3. The fill slope has covered the roots of several of the existing trees which will in time cause them slowly die off. Soil cover of as little as 3-6" may cause a mature tree to die off depending on the species of the tree.
4. Erosion control riprap at foundation drain and infiltrator overflow discharge pipes are called for in item 3 in erosion & sediment control notes, but there are no details on the plans. If not treated properly; the runoff from these pipes will cut an open swale into the existing terrain and cause soil and silt to run off into the lake or wetland below.
5. The permit does not include a planting plan for restoration of the disturbed areas or as compensation for the vegetation that has already been cleared without permission in the regulated areas.
6. Although this application calls for a proposed dock, there are no details of the dock or sequence of construction to protect regulated areas. Also the dock is located off the property so it is not clear whether or not it is included in the application. If the dock is not included in the application all reference to it should be removed from the plans.

