

INLAND WETLANDS AND WATERCOURSES COMMISSION

Town of Trumbull

CONNECTICUT

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TOWN HALL
Trumbull

TELEPHONE
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December 4, 2012
Minutes

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

ALSO PRESENT: William Maurer, LS, Civil Engineer

The Chair convened the meeting at 7:32 p.m.
All present joined in the Pledge of Allegiance led by Commissioner Fox.

Commissioner Lauria read the Public Hearing Notice into the record at 7:33 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, December 4, 2012 at 7:30 p.m. in the Trumbull Town Hall Courtroom, 5866 Main Street, Trumbull, Connecticut, on the following application:

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.

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 19th day of November, 2012.

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

The Chair OPENED the Public Hearing at 7:34 p.m.

Mr. William Tilt of 53 Wildwood Drive representing his father-in-law Jerry Albarelli was present and indicated he had received one (1) quote for the proposed work to date; he has had 3 arborists come to the site. An engineer and the arborists had referred to the pine trees as 100-year old pines; they are at the end of their useful life. Mr. Tilt plans on planting low lying shrubs and would be open to suggestions from the Tree Warden. Mr. Tilt stated that he has the responsibility to ensure his neighbor's property is protected; leaving the trees at the far left of the property could be a liability issue. He is proposing to cut down only the pines they present a danger. Commissioner Lauria indicated that after the stumps are ground down the area would be left with root systems that will eventually rot and questioned what would be done to secure the bank. Mr. Tilt indicated the 75'-80' area has a 2' pitch; he did not think there would be any erosion at all. Commissioner Lauria suggested ground cover for the area. Mr. Tilt stated that there are pine needles in the area and he was going to use the wood chips from the stump grinding as well, a revised planting plan was submitted for the record. The plants are identified as low lying shrubs; he does not know what specific shrubs will be planted. Mr. Tilt agreed to a conversation with the Tree Warden. Commissioner Fox suggested planting pachysandra or myrtle. Mr. Tilt indicated that he did not plan on building anything where the trees are being removed; he believes they have enough existing patio area. The plan represents three more plantings, he is open to suggestion but would rather decide if there would be additional plantings after he speaks with the Town arborist (Tree Warden), explaining that this is going to be an expensive project and does not want to spend any more than he has to. Mr. Maurer stated that the trees at the far left are within 100' to the neighbor's house and 60' to Mr. Tilt's house, which is a concern. All of the trees are within 60'-100' of both houses.

Nazena Nowrouzzadeh of 47 Wildwood Drive was present and indicated that she had lost quite a few trees, they were so large they brought other trees down with them and is planning on cutting some of the trees down as well. They are becoming a hazard at this point. Some of the trees are broken and will need to be cut before the fall into the water. Ms. Nowrouzzadeh spoke in favor of this application.

Motion made (Fox), seconded (Lauria) to close the Public Hearing.
The Public Hearing CLOSED at 7:51 p.m.

The Chair congratulated Elaine Wang who will be leaving the commission to become the new Chief of Staff for First Selectman Timothy M. Herbst.

REGULAR MEETING:

NEW BUSINESS

The Chair opened NEW BUSINESS at 7:52 p.m.

Application 12-45, Quarry Road Lot 2, LLC (c/o R.D. Scinto, Inc.) Robert D. Scinto, member – Permit Approval for selective tree cutting and control of invasive plant species within approximately 2.7 acres of land lying within State of Connecticut Right-of-Way the adjoining portions of Lots 2 and 3 to improve the quality of vegetative/woodland environments and visibility of site within a regulated area at 100 Quarry Road. (Modification of Application 11-06) (Application 12-45 resubmitted from the November 13, 2012 Agenda)

Mr. Bill Carboni, P. E. of Spath Bjorklund Associates representing the applicant was present and indicated that the application is to clear 2.7 acres of the side slope of RT. 25 that abuts the property. This site

currently has the existing Bow Tie Movie Cinema, the Helicopter Support building and the new medical building on the property. Since RT. 25 was constructed the slope there has had significant growth of invasive species. Their proposal is that all work will be done in the upland area. At the top of the slope there is a small wetlands corridor, a remnant of a much larger wetland area that is now under RT. 25. Some of the wetlands are man-made. The work will follow the guidelines outlined by Environmental Planning Services, this includes all cutting to be done by hand, due to the steep slopes and that the fact that there is no access. Some of the trees will be left as recommended by the biologist. Mr. Carboni referred to sheet S1, at the upper end of the sheet, representing the west side of the property reads as CT RT. 25 - soil type 306, this is a man-made slope. That is the area where the invasive species are located. The soil type 13 is the wetlands area; it drains north to south. The primary wetlands are located at the south end of that the property, this is a significant wetlands area, fairly diverse and in reasonably good shape per the biologist. That is not so for the thin strip but it is what feeds the main wetlands. They will remove the invasives and their seeds. The invasive is defined in the report by the biologist dated October 23, 2012. Photographs of the area were submitted for the record. They want to improve the visibility to the site. The work will be in the upland area. The determination of whether a tree could survive based upon the damage done by the invasive (vine) would be done on site by the biologist. Mr. Carboni stated the trees could be marked for the commission, but should be done by the biologist or the Town's Tree Warden to say whether a tree is worth saving or not. Commissioner Chamberlain indicated it does not appear as if there is a clear picture of how much is going to be cut. Mr. Carboni clarified that this meeting is for the acceptance of the application, if the commission would like the trees marked it could be marked for the site walk. What they would mark would be what trees they would save. The commission noted that it would be more advantageous to have what is going to be cut down marked. Commissioner Fox stated that the commission does not want clear cutting noting that could cause an erosion issue. Commissioner Lauria noted his concern over only marking trees to be saved and would rather have marked which trees would be removed and clarified any tree that is over 4" in diameter that would be cut down to be marked.

The Chair called a recess at 8:06 p.m.

The Chair called the meeting to order at 8:09 p.m.

The Chair called a recess at 8:10 p.m.

The Chair called the meeting back to order at 8:13 p.m.

Mr. Carboni indicated that they would be happy to mark the trees; the question would be to mark the trees that are to be saved or taken? The commission agreed the trees that are to be taken should be marked. Mr. Carboni stated per the biologist's report the tree canopy is predominantly 4"-8" trees. Mr. Carboni agreed that they would mark the trees that will be cut. Commissioner Fox stated that some of the saplings, in 4-5 years, could be significant trees and hopes that the saplings would not be confused with the invasives. Mr. Carboni stated that the only trees that would be marked as being taken would be the trees listed in the biologist's report (found on this site) as follows: Red Maple, Willows and Sycamores. Commissioner Fox noted that Red Swamp Maples serve a purpose to the wetlands. The Chair stated that the commission would walk the site and requested that Mr. Carboni have their environmentalist present at the field inspection. Mr. Carboni stated that the commission would not be able to walk the site; they could walk their site and look at it, because there is a chain link fence and you are not supposed to walk on State property.

Rob Scinto with an office at One Corporate Drive, Shelton, CT was present and indicated that when they started this project he met with Warren Jacques the Town's Tree Warden to see how to proceed. They will not be clear cutting, they want to thin the area, and remove the invasive species. They will leave everything that in the summer time blocks the visibility of the movie theatres. This will not be cleared;

there are cedars and native trees that will be left. Mr. Jacques put him in touch with Jim Barnes from the State DOT. He and Mr. Barnes walked the site, Mr. Barnes is in favor of the project and there is a letter in the application file from Mr. Barnes indicating that he is in favor of clearing the invasive trees in the winter time. Mr. Scinto sought a contractor, the contractor told him that there were wetlands on the site and would need to seek permission from the commission. This is State property and there is a letter from the site saying they have permission to cut the trees. Mr. Carboni stated that all of the work to be done is within the right-of-way of RT. 25, two (2) permits are necessary, one from this commission to do work within a 100' of a wetlands and/or watercourse, the second permit needed to get is the encroachment permit from the State DOT to do the work on their property. DOT is not going to do the work the Scinto's want to do this. Mr. Scinto stated that the permit from the State will not be an issue, from the State's perspective they want to get rid of the invasives that are choking out the natural trees causing them to fall into their highways and injuring motorists, that is their incentive. Commissioner Fox stated that it has been a policy in Trumbull not to have lights on RT. 25; they want it to look like woods.

Commissioner Wang stated that the State's letter refers to invasive plants; the application is not clear, it does not appear that the State is 100% in support and suggested that the State and the applicant work this out. The scope of what the applicants wants to do is not clear in the application, nor is it clear between the applicant and the DOT. Mr. Carboni agreed and explained that they have tried to get clarification of the DOT's position on this; the State agency says that they have to get local approval first; they will also have to get an encroachment permit from the State for a specific activity. Commissioner Wang suggested an application for invasive species should be filed and a separate application filed for the clear cutting that may cause P&Z concerns so that in the event the applicant exceeds the boundaries the permit is not revoked. Mr. Carboni stated that he did not see the need for two permits, by tagging all of the trees it will become clear. This will be an expensive project a crane will be brought in, to do that twice would be cost prohibitive.

Mr. Carboni stated that he can not say that they will be able to get the State DOT to do anything before this commission acts, many State agencies say get local approval first. They will make another effort but can not guarantee. Mr. Scinto that he will have marked on the site plan what will be removed and will also flag the trees with neon flags. Mr. Scinto stated he will get the commission onto the site, he is not sure how yet but he will take down a section of the fence if necessary.

Commissioner DeFeo stated that there appears to be two fences represented in the photographs submitted. Mr. Carboni explained that it is the same fence; the photo was taken from the other side. Mr. Scinto stated fence goes throughout the property in some areas in the parking lot. Mr. Carboni confirmed for Commissioner Wang that they are not expanding the parking lot. Commissioner Lauria requested that the Town Attorney be consulted with regard to being able to perform work on someone else's property. The Chair stated that he would consult Atty. Coppola. Mr. Carboni stated that the commission would be approving an activity and they still have to get the encroachment permit to do the work. Mr. Scinto indicated that they have met on site with the State two (2) times and have e-mailed them multiple times, they are in favor of the project work, it is just difficult to get them to put anything in writing. The commission expressed concern over the letter written from the State and whether it is enough.

Motion made (Chamberlain) seconded (Fox) to RECEIVE Application 12-45, Quarry Road Lot 2, LLC (c/o R.D. Scinto, Inc.) Robert D. Scinto, member.

VOTE: Motion CARRIED unanimously.

Motion made (Lauria), seconded (DeFeo) to close New Business.

VOTE: Motion CARRIED unanimously.
New Business CLOSED at 8:55 p.m.

MINUTES:

Motion made (Lauria) seconded (Chamberlain) to AMEND the November 13, 2012 IWWC meeting minutes as follows:

- Page 3, last paragraph, second sentence, the word ~~Charleston~~ should be stricken and replaced with Charlton;
- Page 7, fifth paragraph, the name ~~(Lauria)~~ should be stricken and replaced with (Fox) and the name ~~(Jorgensen)~~ stricken and replaced with (Lauria). The corrected motion should read as:
Motion (Fox) seconded (Lauria) 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

VOTE: Motion to amend CARRIED unanimously
VOTE: Motion as amended CARRIED unanimously.

CORRESPONDENCE:

Motion made (Chamberlain) seconded (Fox) to grant a two (2) month extension on Application 12-22, Benjamin Proto (Agent)/Tina Beyer. All work shall be completed no later than February 5, 2013.

The Chair explained that the applicant would like to come in with an application for a stone wall instead of the split rail.

Mr. Maurer confirmed for Commissioner Chamberlain that the site is stable; the plantings have been done but has not done the split rail fence.

The Chair stated that the applicant will be coming in with a plan for the stone wall.

(Commissioners voting: Lauria, Fox, Girouard, Chamberlain and DeFeo).
VOTE: Motion CARRIED unanimously.

ANYTHING THAT MIGHT RIGHTFULLY COME BEFORE THE COMMISSION:

Motion (Chamberlain) seconded (Wright) to accept the Inland Wetland and Watercourses Commission 2013-2014 Meeting Schedule as presented.

VOTE: Motion CARRIED unanimously.

Application 12-20 Robert & Melissa Daniel

Mr. Maurer stated that the fence has a 10' opening to be able to pass through, the fence was stopped short at the northerly corner, but there are arborvitaes planted and established in that area acting as a buffer. Mr. Maurer stated that he had asked Mr. Daniel to fill in the section that he left vacant and he agreed to.

The Chair noted that he had not mentioned when the commission was considering the 2-month extension for Application 12-22 Proto/Beyer that there had been a death in family and they needed more time.

The Daniel's fence is not pressure treated, in the future the commission will need to be specific, the fence will have to be maintained and kept up.

Motion (Chamberlain), seconded (DeFeo) to accept compliance with the commission's June 5, 2012 decision on Application 12-20 Robert and Melissa Daniel with the following specific conditions:

- The large opening between the two (2) sections of the split rail fence shall be in-filled with a fixed section of fence.
- The split rail fence shall be maintained.

(Commissioners voting: Lauria, Fox, Girouard, Chamberlain and DeFeo).

VOTE: Motion CARRIED unanimously.

WORK SESSION:

The Chair OPENED the Work Session at 8:51 p.m.

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.

Motion (Fox), seconded (Chamberlain) to approve for discussion purposes.

Motion WITHDRAWN (Fox).

Motion (Chamberlain), seconded (Wang) to approve Application 12-44, Jerry Albarelli subject to the General Conditions as established by the Commission and the following specific conditions:

- The Inland Wetlands and Watercourses Commission General Conditions of the Town of Trumbull, specifically erosion and sedimentation control during the course of the work. Forty eight (48) hour notice shall be provided before the start of the work.
- The applicant shall submit a detailed planting plan prepared by a landscape architect or horticulturist for the plants that are being proposed to go in the area where the Pine trees are cut down.
- The planting plan shall specifically address long term erosion of the site due to the tree removal.

Motion (Chamberlain), seconded (DeFeo) to amend the Inland Wetlands and Watercourses Commission General Conditions of the Town of Trumbull with the addition of the following condition:

- 10. Any and all necessary permits required are the applicant's responsibility.

VOTE: Motion CARRIED 6-0-1 (ABSTENTION: Wang)

FIELD INSPECTION:

By unanimous consent the Inland Wetlands and Watercourses Commission scheduled the Field Inspection for Application 12-45 on Tuesday, December 18, 2012 leaving Town Hall at 3:00 p.m.

There being no further business to discuss the Inland Wetlands & Watercourses Commission adjourned by unanimous consent at 9:29 p.m.

Respectfully Submitted,

Margaret D. Mastroni

The Inland Wetland & Watercourses Commission Clerk