

INLAND WETLANDS AND WATERCOURSES COMMISSION

Town of Trumbull

CONNECTICUT

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TOWN HALL
Trumbull, CT

TELEPHONE
(203) 452-5005



MINUTES

February 5, 2013

MEMBERS PRESENT:

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

ALSO PRESENT:

William Maurer, LS, Civil Engineer

The Chair convened the meeting at 7:37 p.m. All present joined in the Pledge of Allegiance led by Commissioner Fox.

PUBLIC HEARING:

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

**TRUMBULL INLAND WETLANDS AND
WATERCOURSES COMMISSION
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, February 5, 2013 at 7:30 p.m. in the Trumbull Town Hall Courtroom, 5866 Main Street, Trumbull, Connecticut, on the following application:

Application 12-45, Quarry Road Lot 2, LLC, (c/o R.D. Scinto, Inc.), Robert D. Scinto, member, (Modification of Application 11-06) (Application 12-45 Resubmitted from November 13, 2012 Agenda) - 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 adjoining portions of the Lots 2 and 3 to improve the quality of vegetative/wood land environments and visibility of site within a regulated area at 100 Quarry Road.

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. *(Continued next page)*

(Continued from previous page) 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 24th day of January, 2013.

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

The Chair OPENED the Public Hearing at 7:41 p.m.

Application 12-45, Quarry Road Lot 2, LLC, (c/o R.D. Scinto, Inc.), Robert D. Scinto, member: David Bjorklund, P.E., President of the firm Spath Bjorklund Associates with offices in Monroe was present on behalf of the applicant and explained that the thought process began in 2011 when R.D. Scinto approached the State of CT. The State has no objection to the clearing with the exception of the Red Maples and the White Birches, although they did make it a requirement to come before the Trumbull Inland Wetlands and Watercourses Commission to retain permission. The application has been modified since its submission, modifications are as follows:

- The 2.7 acres noticed in the public hearing notice has been reduced to 1.6 acres in the southern portion of the property, this would have been too difficult to work in that area due to the culvert meeting the watercourse in that area.
- A new line was drawn on the northern area of the clearing area where there is a Pine Tree buffer, this will preserve that area.
- Selectively marked the trees to remain, (There are invasive vines on the trees said vines will be treated.
- Native species will be replanted in any area of tree removal-lower plantings than what is currently there. There is a series of 11 points of sequencing with regard to the removal and replanting.

This is not a natural system; the wetland area is as a result of the construction of RT. 25. Before construction it was quarry with open water. The area was created as a result of the highway, the watercourse that can be seen is not a natural watercourse it was a channel constructed by DOT, it takes the run off in a southerly direction. The northern area is well established with trees growing the trees were there before the highway construction. The southern side is a natural well established undisturbed wetland area (per their biologist). The trees in the area are referred to as volunteers (not planted, just seeds that happened to take root). There are Cedars, Red Maples, Black Birch and Cottonwood there. They are not going to eradicate all of the trees they will leave some and come back and replant the area. As a result of this application there is no loss of habitat or disturbance of the wetlands. They will simply take out some of the smaller, weaker trees and replant with native species. This will ultimately enhance the area. The clearing will be done by hand; a crane will lift the trees to the parking lot, be chipped and removed from the site. The garbage and debris will be cleaned out while they are removing the trees.

Eric Davison Registered Soil Scientist and Certified professional Wetland Scientist of Environmental Planning Services in West Hartford was present and indicated the critical component is that the tree removal will be done by hand and removed by a crane. There is no impact from removing the trees and converting it to shrub. The impact occurs when cutting, grubbing and grading of the wetlands occurs. The quality of the wetland is basically highway run-off. 90% of the trees being cut are Red Maple which is the most common tree in southern New England. The Red

Maples re-sprout from the stumps so they will use herbicide on the stumps and some modest invasive control. The sequencing notes submitted last month were written as recommendations of conditions of approval. The goal of the area is to be a tall dense shrub wetland anything that does not grow back on its own will be replanted. There is no intention of having bare areas that would be subject to erosion, everything will be stabilized. The herbicide has a short shelf life in the soil, because it is applied to a tree that is freshly cut, the tree absorbs the herbicide right to the roots and kills the stump. The herbicides will not kill vertebrae, it strictly targets plants, it is not a pesticide. The shrubs will be 1-2" in diameter and will grow to 15'-20' high.

Rob Scinto of One Corporate Drive, Shelton, CT was present and stated that they will replant the trees and shrubs that were cut along the fence line. The trees and shrubs were cut by the fence company and were not directed to do so. Mr. Scinto apologized to the commission for this and reiterated that they did not direct them to do so, they will replant them. The commission voiced their concern with regard to this activity that had occurred along the fence line. After further discussion with the commission it was agreed upon by Mr. Scinto that there will be a specific conversation with sub-contractors not to cut in the area without permission. Mr. Bjorklund clarified what was cut near the fence did not improve the visibility of the building from the highway.

(Commissioner Chamberlain arrived at 8:10 p.m.)

Mr. Davison stated that the area is densely vegetated; the first growing season after the trees are cut there will have a lot of new growth, and are proposing instead of having landscapers grub out the new growth to plant the new shrubs, to wait one growing season to see what new growth comes in. They will re-plant only the areas that do not have re-growth (sequence #8). They could alter their notes to include the bank along the fence to be replanted with shrubs. The plants listed in Sequence #8 include Speckled Alder, Silky Dogwood, Winterberry, Pepper bush and Blueberry (all of which are currently growing in the area). The denser the vegetation in a linear waterway such as this one that directly receives roadway run-off, the better control in terms of nutrients and sediment control there will be. The largest nursery container plants were specified, it could take approximately 5 years for the vegetation to fully grow in. There will be serious dense growth after they take out the trees, but there is a series of time that the area changes while it is growing back.

Mr. Bjorklund apologized for the fence contractor. The bank was originally constructed as a rip rap bank in 1992-1993 it is full of stone, the only thing they will be able to plant is shrubs, the Alder and the Silky Dogwood are already growing in that area. They will remove the garbage on both sides of the bank, the Maple trees that are growing there now are growing far apart, the plantings that they are doing will be 4' apart, which will result in a lot more vegetation when they are finished.

Mr. Scinto stated that he could assure the commission that this project would be under his control, and will take responsibility.

Mr. Bjorklund stated the trees remaining are marked and still will be in the spring. Commissioner Wright suggested better marking. Mr. Bjorklund stated he would expect a pre-construction meeting with Mr. Maurer so that all have an understanding of what is going to be done, this is not going to be sub-contracted out to a clearing company. Mr. Bjorklund suggested as a condition of approval to walk the property with Mr. Maurer in a year's time to confirm that everything has re-vegetated, that everything was done properly, that there is no erosion, no bare spots and that they have a plant community that is growing nicely. They originally approached the State with regard to this work, they had sent an e-mail stating that they had no objection and are clear to get the wetlands permit, and there is a letter in the application from the State of CT that indicates the same but is on the State

of CT letterhead. In addition to that they have had a meeting with a representative from the state of CT, representatives of R. D. Scinto, the IWWC Chairman and Mr. Maurer as well. The Chair added that the State agreed to an encroachment permit if it is necessary to reenter. DOT will require a bond, before they close they will inspect, if there is an issue they would know it then. They are proposing to replace the Red Maple with something that is more diverse and would add more interest to wetland system, instead of the Red Maples that grow to 8" to 10" and then start to rot and fall over. They would like to replace those with a dense understory of shrubs.

There was no one present from the public to speak for or against this application.

Application 12-43 - Serge G. Mihaly

Paul Bombero of Bombero Associates with offices in Trumbull was present on behalf of the applicant and indicated that the application is for the reformation of a former pond which is identified by the existing wall. The reconstruction will be done by the recreation of the weir at the outlet. The trees at the edge of the pond will need to be removed; there are 18 trees that are growing into the edge of the wall. The bridge will be replaced with a 3-sided culvert to allow for the access to the back of the property. The recreated pond will be approximately 4,000 sf. with a depth of 6'. Some of the 18 trees to be removed were damaged by recent storms. The trees are near wetland flags #6, #7 & #8. The planter in the middle of pond will come out. The trees are not indicated on the plan. There is large Pine tree near wetland flag #15, Maple trees by flags #16 and #17, more Maple trees by #21, Pine trees by #25, on the right side by flag #1 there is brush growing and by #6 & #7 there is a large tree. The majority of the trees are along the wall and there are some smaller ones further away. Both sides of the pond will be worked on. Commissioner Lauria suggested working from one side only this would save the trees. The pond was established approximately 50 years ago and has silted over since then. The outlet will be at the 148 elevation the overall dam will be 18', the slope will 1 on 3, 6' in the center. There had been no flood study done on the brook and is not considered a flood plain. The waterfall is outside of the property. It would be advantageous if they could coordinate it with the work it at Thrushwood. The estimated volume of material to take off site is approximately 390 yards; the pond will not have a liner. It will be as deep as the wall that is there now, the water does not allow frost penetration. The pond water maintains the temperature in the ground therefore there is no freezing. There will need to be rip rap at the bottom of the pond. This is not on the drawing; the existing channel has large stones. The depth of the footings will be determined by the stream. The lower section may need a deeper footing. They will need to access both sides of the pond to do the dredging. The equipment will be coming from the residential driveway. The machine can go over the lawn without trouble. The amount of traffic from the machine will be minimal; they can cross where the existing bridge is even if they have to put down a steel sheet. The dredging would take place first followed by putting the culvert in place. The existing house is hooked up to sewers. Mr. Bombero confirmed for the Chair that there will be no frost into the wet soil, if the soil is saturated it will not freeze although the surface would freeze. Commissioner Chamberlain stated it appears shallow and usually goes below the frost depth and probably more as a seepage cut off. There is nothing that they are doing that will increase the water flow, the pond being constructed will have some effect on the stream characteristics inside the property, where it is ponded the effect of back water once it hits the spillway 10'-20' from the property, it is a significant drop from there. The stone wall was a decorative boundary for the pond. Any sections of the loose wall in disrepair will be reworked otherwise it will remain as it is. With a good size machine they will maintain the soil at the edge of the pond. There will be a minimal amount of damage to the wall. Where the trees are to be removed there will be some necessary work to the wall. There are 18 trees around the wall that need to be removed; the root system will have to

be removed, the roots are growing in the wall. For the scope of the work being performed all that is required is the IWWC permit. Commissioner Lauria indicated that what bothers him is the lack of a construction plan and not knowing where the 18 trees are. Mr. Bombero stated that the trees can be marked on the plan and will get a narrative/sequence. The work will begin in the dry season; he will look into when they work on Thrushwood and coordinate the dredging with that. Mr. Bombero stated that they would be willing to do what is necessary to satisfy the Town Engineer

There was no one present from the public to speak for or against the application.

Motion (Lauria), seconded (Chamberlain) to CLOSE the Public Hearing.

VOTE: Motion CARRIED unanimously.

The Public Hearing CLOSED at 8:56 p.m.

REGULAR MEETING

NEW BUSINESS:

Application 13-05, Silver Nichols LLC - Permit Approval to construct a parking lot associated with 999 Silver Lane, the proposed parking lot is for the medical use building, activities include filling, grading and paving within the regulated area at Map# J-11, Parcel 101 Silver Lane.

Mr. John Guedes, principal for the firms of Guedes Associates, Primrose Companies and also the owner of Silver Nichols Medical building located at 999 Silver Lane was present on behalf of the applicant. The building was constructed 10 years ago; one of the problems they have is that they are short parking. The neighbors have suffered by cars parking on the streets. They were able to negotiate the purchase of the lot known as lot #101, this is a vacant property. The parcels in this area are zoned commercial, the use is permitted. They are before the commission due to the fact that there is a brook that runs in the back of the property, the activities that are necessary to put the parking lot in are within the regulated area.

Mr. Keith Buda, a registered P.E. in the state of CT with Pereira Engineering located in Shelton was present. Mr. Buda submitted a revised site plan; they had made a minor modification to the storm water system. They are proposing to construct a 29-parking space parking lot paved with bituminous pavement with bituminous curbing around the perimeter. The parking lot will grade south to north, the slope of the lot will be approximately 6%. The storm water runoff will sheet-flow across the parking lot and enter into a single catch basin located in the northwest corner of the parking lot, from there the storm water will enter into a storm water management system which consists of underground coldteck recharger changers. That system has been designed to treat the 2-year storm event which is 3.3" of run off and also has been designed to reduce the run off for the 10-25 year storm events down to existing conditions. There is a zero increase in run off with the system. Discharge of the system will be via a 6" pipe from the back of the proposed catch basin which will discharge to a rip rap level spreader on the uphill side of the proposed retaining wall. The change made to the plans is the addition of the 6" pipe on the back of the catch basin. The original plan submitted had a flat top, type CL catch basin top in the corner, when the detention basin filled up, the catch basin would surcharge and dump out to the stone rip rap. They have eliminated that and replaced it with a type C catch basin and added the 6" pipe to control the release of the water, anything collected in the catch basin will remain in the basin. There will be a hooded outlet on the pipes and it will all be trapped inside. The erosion controls consist of a construction entrance, inlet protection for the catch basin, outlet protection for the discharge pipe and silt fencing along the limit of disturbance on the site.

William Kenny, Soil Scientist, Wetland Scientist and Landscape Architect was present and indicated that he was retained to map the wetlands and soils on the property. He has developed a planting plan; the focus is on enhancing the wetland and buffer area. A stonewall is proposed as a permanent demarcation. The wetland buffer leading to the stream is filled with shrubs and vines. They are proposing to plant more trees in the area to establish shade to control the invasive species. They are proposing a row of native shrubs in the area across the stream, (woodland area), to create a dense buffer of shrubs against the wall. Beyond that they will plant some trees for shading of the stream and buffer. There is no proposal to modify the brook. Mr. Guedes stated that the brook comes from under the shopping center, it is a small brook. Mr. Kenny stated the brook is too small to be named. He explained the brook starts behind Hawley Lane Shopping Center, goes underneath the road system, and flows in front of the Silver Nichols Medical Building. When they built it they installed 3 pipes to have it flow through, it down Intervale Road behind the houses and eventually right behind Vazzy's. The brook in most areas is no larger than 6'. It had been modified by the State for RT. 25. On the other side of the brook it is upland, the wetland lines are the banks of the brook. The stonewall was selected to have a permanent demarcation of disturbance. They did try to acquire the adjoining property but the estate would not sell it. The person they are purchasing the property from had purchased it to develop it commercially; this is the only alternative for the applicant. They are short 25 parking spaces for the medical building. This will relieve pressure on the neighbors because people are parking on the streets. They had considered a parking garage but that would create too much of a disturbance. From the doors the proposed lot is 100' away. The property is zoned for commercial use, someday if this were not approved there would be a building built. They are not proposing a building this would not be a major impact to the area. They are currently shy 25 spaces; and are proposing 29 spaces. They have not increased the size of the building or increased the number of the employees since the building was built. Nothing has been modified, over the years it there has always not been enough parking. This would provide 127 spaces which would bring up the ratio to 6 spaces per 1,000 which is Trumbull's regulations for medical use.

Mr. Buda indicated that test pits had not been done, they made an assumption based on the soils report, (an inch in thirty), they would test that prior to the system going in the ground to verify that is the condition. That would establish ground water elevation. To establish the bottom of the system they looked at the contour elevation in the brook and kept the system above that. The wall will be free standing. It will be a dry wall with the discharge coming from a 6" pipe and will hit the stone rip rap to a level spreader all at the same grade; water will trickle through the stone openings in the wall and sheet-flow across the overland downhill from the wall. The size of the pad is adequate for the discharge from the 6" pipe, the edges will not erode, it is sized to flow and velocity of what is coming from the pipe. For the total site based on a 25-year storm they are looking at 1.7 CFS. There is not a lot of water coming from the 6" pipe. There are two areas delineated, the flood line AE (down by the brook) and in the parking lot flood zone X. that area between the AE line and the X would be the 0.2% flood, (the 500-year flood). There is a ground infiltrator, the water will seep out into the ground, the 6" pipe is to release the water prior to surcharging the top of the catch basin and then discharges back out from the stonewall (only in a heavy storm event). Mr. Buda confirmed for Commissioner Lauria that in theory after a storm event in a week's time there would not be any water left in the recharge system and would be ready for the next storm event. The catch basin has 4' deep sump, hooded outlets on both of the pipes and a snout trap. The catch basin would have to be periodically cleaned. There has been no disturbance of this property to date. Mr. Guedes indicated that there may be some side lighting, (low ground), they are still trying to figure out what kind of lighting that would not be objectionable because there are residential areas on either side.

Lighting would be the only utility. Mr. Guedes stated that they could do a test hole although it would be hard to get the machine in there now, the units will be 6” below the existing grade, and the units are 18” high. Mr. Guedes confirmed for Commissioner Fox that they would be going to Planning and Zoning with the lighting plan.

Mr. Kenny stated that he had not done a perk test but with regard to the soil testing done while mapping the wetlands, he looked at the upland soils, he found that the soils were sand and gravel, derived from glacial outwash, it is a well-drained material.

Motion (Lauria), seconded (Chamberlain) to RECEIVE.
VOTE: Motion CARRIED unanimously.

The Chair called a RECESS at 9:28 p.m.
The Chair called the meeting BACK To ORDER at 9:41 p.m.

WORK SESSION:

The Chair OPENED the Work Session at 9:42 p.m.

Commissioner Chamberlain stated that he would abstain from Application 12-45 due to the fact that he was not present for the majority of the presentation at this meeting.

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

Application 12-45, Quarry Road Lot 2, LLC, (c/o R.D. Scinto, Inc.), Robert D. Scinto, member, (Modification of Application 11-06) (Application 12-45 Resubmitted from November 13, 2012 Agenda) - 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 adjoining portions of the Lots 2 and 3 to improve the quality of vegetative/wood land environments and visibility of site within a regulated area at 100 Quarry Road.

Motion (DeFeo), seconded (Wright) to APPROVE for discussion purposes only.
Motion withdrawn.

Motion (DeFeo), seconded (Wright) to APPROVE APPLICATION 12-45, Quarry Road Lot 2, LLC, (c/o R.D. Scinto, Inc.), Robert D. Scinto, member subject to the General Conditions as established by the Commission and the following specific conditions:

- The applicant shall adhere to what was presented.
- A preview shall take place with the job foreman and the Town’s Civil Engineer prior to removal of the trees to verify which trees are to remain and to confirm that the trees are properly tagged to ensure that the trees that are to remain do so.

VOTE: Motion CARRIED 3-2-1 (AGAINST: Fox and Lauria) (ABSTENTION: Chamberlain)

Motion (Chamberlain), seconded (Fox) to APPROVE APPLICATION 12-43, Serge G. Mihaly for discussion purposes.

Commissioner Chamberlain amended his prior motion to read as the following:

Motion (Chamberlain), seconded (DeFeo) to APPROVE APPLICATION 12-43, Serge G. Mihaly subject to the General Conditions as established by the Commission and the following specific conditions:

- Applicant shall provide a detailed construction drawing for the culvert and weir that are tailored to the specifics of the project that shall address the concerns raised by the commission about footing depth and scour and the plan shall be prepared and sealed by a professional engineer with a background in structures and submitted to the Town Engineer's office for review.
- A sequence of construction narrative shall be furnished to the Town Engineer for review.
- Prior to the start of construction a preconstruction meeting shall be held at the site with the Town Engineer, the applicant, the applicant's engineer to review tree cutting, construction access and sedimentation and erosion controls.
- A construction bond shall be posted by the applicant in an amount calculated by the applicant and approved by the Town Engineer.

VOTE: Motion CARRIED unanimously.

APPLICATION 13-05, Silver Nichols LLC -

The Inland Wetlands and Watercourses Commission by unanimous consent agreed to WALK the site.

SCHEDULE FIELD INSPECTION:

By unanimous consent the IWWC scheduled the Field Inspection to take place on Thursday, February 21, 2013 leaving the Town Hall at 3:15 pm.

MINUTES:

Motion (Lauria), seconded (Fox) to accept the January 8, 2013 meeting minutes as submitted.

VOTE: Motion CARRIED unanimously.

Mr. Maurer reported that the Public Works Department is going to be doing a push forward, cleaning out the drainage swales that have been neglected for a number of years. The swales present a public safety hazard and a flooding issue; they need to be cleaned due to years of neglect that has impacted the drainage quality of the swales. The Chair added that quite often they are emergency situations that need to be addressed right away and there is an easement in already in place by the Town. Mr. Maurer indicated that it is a permitted use as of right.

ELECTION OF OFFICERS:

The Chair nominated John Lauria as Secretary, seconded (Fox).

VOTE: Motion CARRIED unanimously.

The Chair nominated Arlyne Fox as Vice-Chairman, seconded (DeFeo) .

VOTE: Motion CARRIED unanimously.

Commissioner Chamberlain nominated Richard Girouard as Chairman, seconded (Fox).

VOTE: Motion CARRIED unanimously.

There being no further business to discuss the Inland Wetlands and Watercourses Commission adjourned by unanimous consent at 10:13 p.m.

Respectfully Submitted,

Margaret D. Mastroni, Clerk