

INLAND WETLANDS AND WATERCOURSES COMMISSION

Town of Trumbull

CONNECTICUT

www.trumbull-ct.gov

TOWN HALL
Trumbull

TELEPHONE
(203) 452-5005



**AUGUST 6, 2013
MINUTES**

MEMBERS PRESENT: Richard Girouard, Chairman
John Lauria, Secretary
Kevin Chamberlain
Jeffrey Wright

ABSENT: Arlyne Fox, Vice Chairman and Carmine DeFeo

ALSO PRESENT: William Maurer, LS, Civil Engineer

CALL TO ORDER: The Chair convened the meeting at 7:31 p.m. All present joined in the Pledge of Allegiance led by Commissioner Chamberlain.

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, August 6, 2013 at 7:30 p.m. in the Trumbull Town Hall Courtroom, 5866 Main Street, Trumbull, Connecticut, on the following application:

Application 13-44, Sophia Nemergut (Modification to Application 11-24) - Permit approval to maintain a minor amount of fill placed in the wetlands during construction, plant arborvitae, substitute a 4' ft. high wood fence for a 4' high chain link fence within a regulated area at 5 Baldwin Avenue.

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 July, 2013.

Richard H. Girouard, Sr., Chairman

Inland Wetlands and Watercourses Commission of the Town of Trumbull

The Chair opened the Public Hearing at 7:33 p.m.

PUBLIC HEARING

Application 13-44, Sophia Nemergut (Modification to Application 11-24) -Permit approval to maintain a minor amount of fill placed in the wetlands during construction, plant arborvitae, substitute a 4' ft. high wood fence for a 4' high chain link fence within a regulated area at 5 Baldwin Avenue.

Sophia Nemergut of 5 Baldwin Avenue was present and she will not plant the arborvitae if it is not required, since they do not do well in wetland areas. The fence will be either wood or vinyl. From the top of the slope of the yard the grade of the property is 2', 3' & 5' in some places. The fence will be solid and will prevent the leaves from blowing into the wetlands. The solid fence is as safe as a chain link. The fence posts will be installed 1' or deeper in cement. The fence will be installed professionally or by her son who is framer. Ms. Nemergut has seen the letter submitted by Mr. Maurer, Mr. Lubdell has responded to one of the comments. Jason Spath has the plan he needs to finish it. She can get someone to put cement and rocks in the wall to prevent silting and had spoken to Trumbull Landscaping. The runoff has not been addressed to date; there had been swale in place previously. Ms. Nemergut stated there has been no problem without the swale. No document has been submitted to date by an engineer stating there is no problem. Jason Spath is doing the calculations for the amount of fill. The calculations were not available for this meeting.

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

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

VOTE: Motion CARRIED unanimously.

The Public Hearing CLOSED at 7:42 p.m.

OLD BUSINESS:

Motion (Wright), seconded by (Chamberlain) to CLOSE Old Business.

VOTE: Motion CARRIED unanimously.

Application 13-41 - Manuel Jose Silva - Permit approval to remove stock piled material, restore the area to its historical grade elevation, plant wetland appropriate plants within a regulated area at 87 Saxony Drive.

Mr. gulino of 87 Saxony was present the drawing for the plantings had been submitted. Mr. Maurer stated the list of items that needed to be addressed had been addressed by Mr. Silva prior to this meeting and is included in the file/application. Mr. Gulino stated the plan specified 300 cubic yards of fill and that is the total amount on site. There may be some screened top soil brought in, the maximum would be 20 yards. Mr. Maurer indicated that he is satisfied that all conditions have been met.

Application 13-43, Robert T. Priest - Permit approval to replace and expand driveway, construction of deck and stairwells, install retaining wall at driveway, remove overgrown brush and weeds, light grading & planting of grass, bushes and foundation plantings within a regulated area at 55 Tanglewood Road.

Mr. Priest of 55 Tanglewood Road was present and indicated he had received the letter from Mr. Maurer requesting photographs. Mr. Priest sent photographs via email to the clerk of the commission at this meeting; hard copies would be printed and included in the application/file after the meeting. Mr. Priest presented and reviewed the electronic photographs with the commission.

The Chair CLOSED Old Business at 7:55 p.m.

NEW BUSINESS

The Chair OPENED NEW Business at 7:56 p.m.

Application 13-58, Paul Plouffe - Permit approval to replace an existing drainage culvert and associated grading along the south and west side of the property, replace an existing stone lined drainage culvert with ADS drain pipe, catch basin, flared end and riprap energy dissipater within a regulated area at 167 Pinewood Trail.

Mr. Maurer indicated that he had reviewed the application and it is complete. He does have comments and will send to the applicant to address before the next meeting. There is an open swale on the property and there is an existing easement, the applicant would like to pipe it to the lake. The questions which will be brought up will be who would be responsible to maintain it.

Motion (Chamberlain), seconded by (Wright) to RECEIVE Application 13-58.

VOTE: Motion CARRIED unanimously.

ANYTHING THAT MIGHT RIGHTFULLY COME BEFORE THE COMMISSION

Application 13-59, TLC (Trumbull Loves Children) - Permit approval to construct a school facility and associated parking with an upland review area and discharge of storm water within a regulated area at 710 Daniels Farm Road.

Mr. Maurer stated this is a private project on Town property behind Daniels Farm School. This is a land lease. A letter was submitted with the application asking the commission to waive the application fee. There are existing modular(s) and a 2-story regular construction addition at the rear of the school. There will be .9 of an acre land disturbance, all in the upland area. The closest point of the project is 35' to the regulated area. The Commission agreed they would consider the fee waiver at a later date.

Motion (Lauria) seconded by (Chamberlain) to RECEIVE Application 13-59.

VOTE: Motion CARRIED unanimously.

Motion (Wright), seconded by (Chamberlain) to CLOSE New Business

VOTE: Motion CARRIED unanimously.

The Chair CLOSED New Business at 8:03 p.m.

MINUTES: Motion (Lauria), seconded by (Chamberlain) to Accept July 2, 2013 meeting minutes. VOTE: Motion CARRIED unanimously.

BOND RELEASE REQUEST: Application 12-31, Patrick and Kristi Adorante – Permit approval to install a 20' X 40' in-ground pool, approximately a 1600 s.f. paver patio and a fence surrounding the backyard within a regulated area at 28 Meadow Ridge Drive.

Mr. Maurer stated the bond was posted for work to be completed. A site inspection had been conducted by Mr. Maurer and the work is acceptable, all conditions have been met. Mr. Maurer has signed off for the certificate of occupancy.

Motion (Chamberlain), seconded by (Wright) to RELEASE the bond on Application 12-31, Patrick and Kristi Adorante. VOTE: Motion CARRIED unanimously.

WORK SESSION:

The Chair OPENED the Work Session at 8:05 p.m.

Application 13-37, Sara L. Fleiss - Permit approval to trim dead tree branches over pond, remove three (3) dead/dying trees, trim low growth 2' from fence, possibly remove down Pin Oak 10' from house, replace existing roof and possibly add solar panels within a regulated area at 20 Indian Road.

Motion (Chamberlain), seconded by (Lauria) to APPROVE Application 13-37, Sara L. Fleiss as submitted subject to the General Conditions as established by the Commission.

VOTE: Motion CARRIED unanimously.

Application 13-41 - Manuel Jose Silva - Permit approval to remove stock piled material, restore the area to its historical grade elevation, plant wetland appropriate plants within a regulated area at 87 Saxony Drive.

Motion (Lauria), seconded by (Wright) to APPROVE Application 13-41, Manuel Jose Silva as submitted subject to the General Conditions as established by the Commission.

VOTE: Motion CARRIED unanimously.

Application 13-42, Negreiro Development LLC - Permit approval for a re-subdivision of 5 Springwood Drive, construction of a new single family residence, installation of a portion of underground utilities, footing drain outfall, site grading and construction of a rain garden within a regulated area at the 5 Springwood Drive.

Motion (Chamberlain), seconded by (Lauria) to APPROVE Application APPROVE Application 13-42, Negreiro Development LLC subject to the General Conditions as established by the Commission and the following specific condition:

- The resubmitted site plan dated July 1, 2013 shall be the approved plan.

VOTE: Motion CARRIED unanimously.

Application 13-43, Robert T. Priest - Permit approval to replace and expand driveway, construction of deck and stairwells, install retaining wall at driveway, remove overgrown brush and weeds, light grading & planting of grass, bushes and foundation plantings within a regulated area at 55 Tanglewood Road.

Motion (Chamberlain), seconded by (Wright) to APPROVE Application 13-43, Robert T. Priest as submitted subject to the General Conditions as established by the Commission.

VOTE: Motion CARRIED unanimously.

Application 13-44, Sophia Nemergut (Modification to Application 11-24) - Permit approval to maintain a minor amount of fill placed in the wetlands during construction, plant arborvitae, substitute a 4' ft. high wood fence for a 4' high chain link fence within a regulated area at 5 Baldwin Avenue.

The Chair called a RECESS at 8:11 p.m.

The Chair called the meeting BACK TO ORDER at 8:16 p.m.

Motion (Chamberlain), seconded by (Wright) to DENY without prejudice Application 13-44 Sophia Nemergut (Modification to Application 11-24) based on the fact the application is incomplete at this time and staff review comments have not been addressed. The staff review comments not addressed are as follows (*Full Staff Review Comments Attached*):

1. An updated as-built plan has not been submitted.
2. The amount of fill placed on the site has not been submitted.
3. No plan has been submitted on how to prevent silt from out washing between the voids and into the wetlands.
4. A letter was submitted from Herbert Lobdell, P.E. giving his opinion that the wall is “stable against future sliding or moving; had it not been stable it would have move outward during or shortly after construction.” Mr. Maurer is not sure that Mr. Lobdell has taken into consideration the poorly drained wetland soils adjacent to the wall and the potential for frost heaving that could impact the stability of the wall. Also Mr. Lobdell does not give an option as to the safety or structural soundness of the wall.
5. No plan has been submitted to correct the elimination of the open swale.
6. No comments or alternatives have been offered for the proposed Green Giant Arborvitae. (It had been suggested that a variety more suitable for wetland soils be selected or that the proposed plantings be move further upland away from the wetlands.)
7. Per the Town of Trumbull Building Official Graham Bisset Town of Trumbull Building Official any wall over 4 feet in height requires a building permit.
8. The rain garden has not been installed as previously approved in Application 11-24.

VOTE: Motion CARRIED unanimously.

Application 13-44, Sophia Nemergut (Modification to Application 11-24) – Continued/

By unanimous consent the Inland Wetlands & Watercourses Commission agreed to a fee waiver if a new application is submitted on behalf of or by Sophia Nemergut within 60 days from the date of this special meeting.

By unanimous consent the Inland Wetlands & Watercourses Commission agreed to schedule a site inspection and a public hearing on the following applications:

- Application 13-58, Paul Plouffe
- Application 13-59, TLC (Trumbull Loves Children)

The Chair called a recess at 8:38 p.m.

The Chair called the meeting back to order at 8:45 p.m.

SCHEDULE FIELD INSPECTIONS

By unanimous consent the Inland Wetlands & Watercourses Commission scheduled the Field Inspection to take place on Monday, August 19, 2103 leaving 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 8:47 p.m.

Respectfully Submitted,

Margaret D. Mastroni, Clerk

**TOWN OF TRUMBULL
CONNECTICUT**

**INLAND WETLANDS AND
WATERCOURSES
COMMISSION**



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August 6, 2013

Inland Wetland and Watercourse Commission

Subject: Staff Review of Application 13-44; 5 Baldwin Avenue

Dear Commissioners,

A previous Inland Wetland and Watercourse Commission (IWWC) application 11-24 by Sophia Nemergut (applicant) was approved by the Commission for the construction of a single family residence along with the associated site improvements in the upland area at Baldwin Avenue. The approval was granted subject to the general conditions as established by the Commission and the following Specific Conditions:

- Alternate Plan #1
- Monument wetlands (above ground)

A copy of the approval letter dated October 7, 2011 with an effective date of October 26, 2011 along with a copy of the submitted and approved Alternate Plan #1 are shown in Exhibit A.

After I visited the site, in late May of 2013 I informed Ms. Nemergut that she was not in compliance with her permit approval of Application 11-24, and that she would need to make an application for the approval of the wall she constructed on the site and the changes she made in the grading.

Ms. Nemergut on June 18, 2013 filed an application for:

1. To maintain 12 cubic yards of fill placed in wetlands during construction.
2. To modify the approved plan, by substituting a four foot high wood fence for the approved four foot high chain link fence.

The application 13-44 can be seen in Exhibit B, this application made no mention of the added retaining wall or the changes to the grading plan that was previously approved.

At the July 2, 2013 meeting I stated that a retaining wall was in place at the rear of the property close to and in one place in wetlands and recommended that the application be amended to include the retaining wall.

After reviewing the plans for application 13-44 I sent a letter with my comments to Ms. Nemergut on July 16, 2013. A copy of this letter can be seen in Exhibit B.

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A site inspection was held on July 17, 2013. At the site inspection, range in height of the wall, construction of the wall, out wash of silt through the wall and general grading were all observed. A copy of the field inspection minutes and pictures can be found in Exhibit C.

Below are the comments and request for more information sent to Sophia Nemergut application 13-44 on July 16, 2013 (See Exhibit B) *italic type*, the current status or responses/replies are in **bold type**:

1. *Please update your As-built plan to show the pre and post construction contours, and any additional features added or removed since the last as-built*

An updated as-built plan has not been submitted

2. *Have your engineer calculate the amount of fill that has been place on the site in excess of the previous approved plan.*

The amount of fill placed on the site has not been submitted.

3. *Please detail how you plan to keep silt from out washing between the voids in the wall into the wetlands.*

No plan has been submitted on how to prevent silt from out washing between the voids and into the wetlands.

4. *Please provide a letter from a Connecticut Licensed Structural Engineer stating the stone wall constructed on your site is stable, safe and structurally sound.*

A letter from Herbert Lobdell, P.E. giving his opinion that the wall is “stable against future sliding or moving; had it not been stable it would have move outward during or shortly after construction.” I’m not sure that Mr. Lobdell has taken into consideration the poorly drained wetland soils adjacent to the wall and the potential for frost heaving that could impact the stability of the wall. Also Mr. Lobdell does not give an option as to the safety or structural soundness of the wall.

5. *The construction of the wall on the west side of the site has eliminated the open swale that allowed overland flow of water to the wetlands. Please show how you plan to correct this.*

No plan has been submitted to correct the elimination of the open swale.

6. The proposed location of the Green Giant Arborvitae is very close to the wetland soil. This variety of Arborvitae does not do well in poorly drained soil, it is suggested that a variety more suitable for wetland soils be selected or that the proposed plantings be move further upland away from the wetlands.

No comments or alternatives have been offered.

7. *A Building Permit for the wall may be required. Please consult with the Building.*

I've checked with Graham Bisset Town of Trumbull Building Official. He informed me that any wall over 4 feet in height will need a building permit.

After reviewing the submitted plans and submitted letters to I recommend that the commission **deny** the Application 13-44. The Applicant has not fully addressed the concern mentioned above, neglecting these concerns will adversely impact the wetlands by allowing silt to out wash through the retaining wall. The change in the grading of the site will impact the amount water flowing into the wetlands impacting the ecological balance of the wetlands.

I suggest that the applicant make a new application that addresses the following concerns.

1. The applicant must show how they will stop the out wash of silt through the wall by:
 - A. Removing the wall that they have placed on the site without approval.
 - B. Showing some means of controlling the silt out wash through wall such as but not limited to; mortar fill / grouting the void between the boulders or by constructing a barrier between the retained soil and the boulders to prevent silting into the wetlands.
2. Remove the portion of the retaining wall on the western side of the site that blocks the flow of water into the wetlands and return the open swale grade according the approved plan.
3. All other comments in the letter dated July 16, 2013 to Sophia Nemergut.
4. Monument wetlands (above ground), in accordance with permit approval of Application 11-24.

Respectively Submitted
Sincerely,

William C. Maurer, LS
Civil Engineer, Wetlands Agent