

INLAND WETLANDS AND WATERCOURSES COMMISSION

Town of Trumbull

CONNECTICUT

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TOWN HALL
Trumbull

TELEPHONE
(203) 452-5005



**NOVEMBER 12, 2013
MINUTES**

- MEMBERS PRESENT:** Richard Girouard, Chairman
John Lauria, Secretary
Carmine DeFeo
Kevin Chamberlain
Guido Picarazzi, Sr.
Mark MacKeil, Alternate
Jeffrey Wright and Arlyne Fox, Vice Chairman
- ABSENT:**
- ALSO PRESENT:** William Maurer, P.E., LS

CALL TO ORDER: The Chair convened the meeting at 7:32 p.m. All present joined in the Pledge of Allegiance.
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, November 12, 2013 at 7:30 p.m. in the Trumbull Town Hall Courtroom, 5866 Main Street, Trumbull, Connecticut, on the following application:

Application 13-68, Gary Cifatte-Permit approval to install a storm pipe in an intermittent watercourse within a regulated area at 104 Williams Road.

Application 13-69, Sandra Terebesi-Permit approval to fill the wetland soils for construction of a single family home within a regulated area at 40 Chalon 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 30th day of October, 2013.

Richard H. Girouard, Sr., Chairman

PUBLIC HEARING

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

Application 13-68, Gary Cifatte - Permit approval to install a storm pipe in an intermittent watercourse within a regulated area at 104 Williams Road.

Mr. James Swift, P.E., Landscape Architect was present on behalf of the applicant and indicated the lot has an intermittent watercourse fed by the municipal street drainage system pipe system. The intermittent watercourse runs to the rear of the property. The trench is man-made with a stone lining. The surrounding area is completely landscaped and surrounded by a fully developed area. It is proposed to install a conduit/pipe discharging to a rip rap sediment base; the water energy will dissipate and the base will collect silt. The Town Engineer had previously requested a drainage study to ensure the pipe was properly sized. Based on the study a 18" pipe will be substituted for the proposed 15" pipe. The new plan submitted approximately one week ago shows the upgraded pipe. The existing street drainage 12" pipe is substandard. Once the pipe is installed the question of who is responsible for the pipe should be the commission's decision. The applicant is ambivalent. The applicant's suggestion is to take rights of discharge to the pipe, which the Town has now. The applicant would codify that in a written deed or the filing of the map. The owner would then own the pipe and the discharge. Another option would be that the Town would take ownership of the pipe. He would leave this to the commission to decide. The owner would accept any conclusion the commission came to on the matter. The only suggestion of the applicant would be to have the pipe run along the property line, keeping it on the lot edge and not bisecting through the lot. Mr. Swift confirmed for Commissioner Chamberlain that the sewer lateral exists.

Commissioner Lauria noted there is existing bank erosion in the plunge pool area. Mr. Swift stated the 18" pipe is sized for a 25-year storm. There is an existing drain at the garage, (represented on the plan) which exits into the watercourse. Once the pipe is sized properly the water generated from the site will go into the pipe. There will be less sheet flow from the site and the neighbor's. Mr. Swift does not believe there is an issue of creating a flow that would damage the lawn. His client has never mentioned that the water has ever overflowed the banks of the trench. The applicant has tried to stabilize where the water flows. The size of the channel is bigger than the pipe being put in. The existing channel shape is capable of holding the flows without overflow. The pipe will allow the water to flow a little faster because it does not have the roughness, but that is the reason for the proposed plunge pool. The neighbor is in favor of doing this. Mr. Swift confirmed for the record that this is not a flood zone or a floodway. The owner does have children; there is a fence to keep the children safe. In its current condition there is erosion which is a constant maintenance for the applicant. The applicant would be grateful if this were approved.

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

Application 13-69, Sandra Terebesi - Permit approval to fill the wetland soils for construction of a single family home within a regulated area at 40 Chalon Road.

Attorney Raymond Rizio was present representing the applicant and indicated the property has been part of a subdivision for 50 years, (Casano Farm). The property's original frontage was on Daniels Farm Road. The lot is located at the end of Chalon Road. The parents had retained the lot for their children. The taxes on the lot have been paid for 45 years as a building lot and are reflected as such on the Tax Assessor's field card. They have spoken with both neighbors and both support the application. The property backs up to a condominium complex. After discussions with Mr. Maurer and feedback from the presentation at the October meeting, the client submitted an alternate plan.

Originally the plan proposed disturbing approximately 2500 sf. (.06 acre). There is a sewer easement that runs to Daniels Farm Road. They are trying to avoid installing the driveway near the easement. In order to do so it is necessary to fill some of the wetlands. The alternate plan takes the driveway out of the wetlands. They have reduced the amount of disturbance and increased the wetland mitigation and now have a ratio of 1 to 1. The disturbance has been reduced to 1575 s.f. and mitigation will be 1625 s.f. A rain garden will be established to make the wetland area more consistent and satisfy the commission. The house has a 50' setback; therefore the house has to stay where it is. Only a small section is being filled. It is a low grade wetland with no ponding or running water. Establishing the appropriate rain garden and installing the appropriate curtain drains will allow them to not disturb the wetlands any more than they anticipate. The alternative to this would be denying the application as a building lot that they have been paid taxes on for 50 years. The house will be no larger than 2,500 s.f. and they accept the fact that they will have a small front yard with the setback area as their rear yard.

James Swift, P.E., Landscape Architect was present and indicated the alternate plan contains significant changes, they have moved the house and driveway. They are keeping it as far away from the drainage and the sewer easements as they can. The driveway is slightly in the wetland. The driveway has a 4' shoulder. The wetlands' line ends where it is shown on the plan. It is a low quality wetland. It was an old field with some debris, briars and invasive species. This will be removed. There is a low point that does have some water retention capacity. A perk test was done and it is functioning well. The drainage calculations were done as required by the Town up to the 100-year storm. They run-off rates will not increase. The galleys for the roof drains are in the back and the rain garden is in the front yard. As requested the alternate plan includes plantings, (Viburnums and Silky Dogwoods). They are creating a buffer for the wetlands and the outside edge of the rain garden. This will show where the wetlands starts. They will be extending the existing wetland area. The water from the driveway and curb will be directed to the rain garden, it is a retention area (there will be no pipe from the rain garden, the water will soak into the ground and dissipate). Where the land rises will be flattened to expand the wetland area. They will use Rice Cutgrass and Sedges at the bottom area of the rain garden. The wetland is not high quality. They are mitigating it 1 to 1 and believe there is no significant environmental impact.

Atty. Rizio stated a letter dated November 12, 2103 to Mr. Maurer from James Swift, P.E. contained ten (10) points to be addressed. All items have been addressed with the exception of the maintenance schedule. The applicant would agree to a maintenance schedule as approved by the Town Engineer as a condition of approval. The property is a building lot no further subdivision was necessary. The family never moved forward on developing the lot. Atty. Rizio respectfully requested that the commission approved the alternate plan which has no impact on the environment or wetlands in general.

Mr. Swift indicated that perk tests were done for the rain garden and roof drainage galleys. It was decided that they did not need a foundation drainage well because there was a basin in the street. The Town Engineer had previously raised the question that there been no testing. The prospective buyers had said to run a foot drain. Atty. Rizio clarified that the backyard is not being made bigger, there is no filling of the wetlands in that area. The applicant would agree to put a fence along the wetland boundary to where the bushes end. Mr. Swift explained by taking the footing drains to the proposed basin they will be able to do it all by gravity as opposed to going to the closer basin which they would need a sump pump for. Atty. Rizio stated the proposed size of the house is 2500 s.f., the footprint is 60' x 32' with a front loading garage due to the easement and the 50' setback. In the end

because of the setback they have a modest size deck in the rear and a limited front yard. The applicant will agree to a fence along the wetland boundary up to the plantings. Mr. Swift stated that there were two (2) other alternatives looked at. One was a basement garage, but the grading went further into the wetlands, they also looked at angling the house with the garage in the front as opposed to the side. All other plans were either worse or made no difference. The turning area is needed for the owners not to have back down the driveway. The two (2) Ash trees will be removed. It is the intent that the rain garden would handle the impurities. There is no under-drain proposed for the rain garden. In excess of a 100-year storm the water may overflow the rain garden and go into the wetland. The rain garden will use regular topsoil; it is slightly above the wetland elevation and could be dry a good part of the year with plantings in it. The plantings in the rain garden are expected to be fine.

Atty. Rizio explained that there is a multi-family complex in the rear, a traditional AA zone in the front. Atty. Rizio agreed the split rail fence would be installed on the silt fence line until the rear of the house begins and then would be 5' off the wetlands line. Mr. Swift confirmed for the commission that the foundation drain will go to the basin by gravity. The sump pump referenced on the plan is a typo. Mr. Swift indicated for the record that there are no other storm water pipes or sources of storm water flowing into the wetland, the only possibility would be if it were coming from the condominium but saw no evidence of that. None of the property is within a flood zone.

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

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

VOTE: Motion CARRIED unanimously.

The Public Hearing CLOSED at 8:15 p.m.

OLD BUSINESS

Application 13-67, Clodomiro Falcon - Permit approval to stabilize stream banks with riprap, soil and plantings within a regulated area at 33 Melrose Avenue.

The Chair stated the applicant had requested a continuance.

Motion (Lauria), seconded by (DeFeo) to CONTINUE Application 13-67 to the December 3, 2013 meeting.

VOTE: Motion CARRIED unanimously.

Application 13-71, Bob Willis - Permit approval to construct an in-ground pool with a stone terrace and retaining wall within a regulated area at 87 Towerview Drive.

Mr. Robert M. Willis owner of the Willis Pool Company was present and indicated he is proposing to build a swimming pool for Brian and Rebecca Keane of 87 Towerview Drive. There is a stream on the property. In 1998 there was work done to remediate the septic system, a curtain drain was put in around the perimeter of the backyard. The 6" pipe that runs the perimeter of the back yard leads to a gully in the northeast corner of the backyard. The plan indicates the elevation of the pipe and where the basin is on the plan. The entire yard is in the upland review area. The pool equipment, piping and filtration will be on the other side of the house. There is no backwashing and no drywell. Cartridge filters can be taken out and washed. There will no impact to the watercourse or the 6" drain. A wall will be required and will not exceed 3' high. The 1/4" scale drawing shows where the pipe daylights. Photographs were submitted prior to the meeting and are included in the file. The pool equipment is outside the review area. The filters are easy to clean with water, it is

relatively easy for the homeowners to maintain the levels and the filters are virtually dry. In his experience cleaning the filters would not impact the soil, with regards to chemistry there is no issue.

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

VOTE: Motion CARRIED unanimously.

Old Business CLOSED at 8:29 p.m.

ANYTHING THAT MIGHT RIGHTFULLY COME BEFORE THE COMMISSION

NEW BUSINESS:

Application 13-76, Sophia Nemergut - Permit approval to maintain the retaining wall in its current location while removing a portion of the wall to the west, additional fill to reduce wall's height to 3', installation of 6' high stockade fence and a rain garden within a regulated area at 5 Baldwin Avenue.

Mr. David Bjorklund of Spath Bjorklund Associates was present on behalf of the applicant and indicated this was included in the applicant's previous application denied last summer. The wall constructed on the property was not part of the original approval. The builder blames the site contractor and the site contractor blames the builder each asked the other to build the wall. A common solution was sought with the Town Engineer, Building Dept. and Site Contractor. It was determined the wall could not be over 3' high without a geotechnical engineer certifying it. The geotechnical engineer could not certify the wall because he had not seen the plans for the wall or saw it while it was being constructed. If the wall were only 3' high it would be out of the Building Department's jurisdiction and no building permit would be needed. It was determined that they would add slope paving to the front of the wall between the edge of the wetlands and the wall itself. They will start by the edge of the wetlands and come up with slope paving at the front of the wall and fill in the wall until it is only 3' high, while doing this some minor sections of wetlands would also be filled in (approximately 91 s.f.). There are many boulders on the edge of the wetlands which makes it difficult to determine where the wetlands begin. The other alternative would be to remove the wall which would involve removing the deck off the house to be able to get a machine into the area. The rocks that make up the wall are huge if the wall to be removed more damage would be done than filling in the wall. It is unfortunate that the wall was built; it should not have been built. There was every opportunity to slope the area instead. The wall is as high as 7' in some areas. The rain garden is being put in and on the west side the wall will be removed. The swale will be put in also. The rocks removed from the wall will be used for the slope paving. The application includes a stockade fence as opposed to the chain link fence included in the original approval. The wall is strong, the geotechnical engineer has no concern of the wall falling down, filling the wall will add some minor strength. The geotechnical engineer cannot certify the wall because he would have had to have prepared a set of plans and be present when it was built, which he was not. A permeable filter fabric has been proposed to prevent erosion through the wall. The fabric will not create hydrostatic pressure. The geotechnical engineer consulted was Herb Lubdell. There is rubble left over at the front of the wall from when RT. 8 was built. There are some areas where the wetlands will be filled. The proposal will be tailored to the field conditions. Mr. Bjorklund indicated that he would believe having an engineer on site to observe would be a condition of approval. The lot is stable, grass is growing, the grades are maintained and with the addition of a fence it will look even nicer. The toe of slope could be staked out. The rain garden from the original application never had been constructed; the swale was filled in when they built the wall. The swale will be put back when the wall on the west side is removed.

Motion (DeFeo), seconded by (Chamberlain) to RECEIVE APPLICATION 13-76.

VOTE: Motion CARRIED unanimously.

Motion (DeFeo), seconded by (Lauria) to CLOSE New Business.

VOTE: Motion CARRIED unanimously.

NEW BUSINESS CLOSED at 8:46 p.m.

MINUTES:

Motion (Lauria), seconded by (Chamberlain) to accept October 1, 2013 meeting minutes as submitted.

VOTE: Motion CARRIED 4-0-2 (ABSTENTION: Picarazzi and MacKeil).

WORK SESSION:

The Chair OPENED the WORK SESSION at 8:48 p.m.

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

Application 13-68, Gary Cifatte - Permit approval to install a storm pipe in an intermittent watercourse within a regulated area at 104 Williams Road.

Motion (Chamberlain), seconded by (Lauria) to APPROVE Application 13-68, Gary Cifatte for discussion purposes. (Commissioner Chamberlain WITHDREW his motion).

Motion (Chamberlain), seconded by (DeFeo) to APPROVE Application 13-68, **Gary Cifatte** subject to the General Conditions as established by the Commission and the following specific conditions:

- Applicant shall grant an easement in favor of the Town of Trumbull 20' wide for the length of the pipe and plunge pool from the road and record an easement map in the Town of Trumbull land records.
- A hold harmless agreement shall be executed.

VOTE: Motion CARRIED 3-0-3 (ABSTENTION: Lauria, Picarazzi and MacKeil).

Application 13-69, Sandra Terebesi - Permit approval to fill the wetland soils for construction of a single family home within a regulated area at 40 Chalon Road.

Motion (Lauria), seconded by (DeFeo) to APPROVE Application 13-69, **Sandra Terebesi** subject to the General Conditions as established by the Commission and the following specific conditions:

- The alternate plan dated November 1, 2013 (Attached) shall be approved with the following conditions.
- Split Rail Fence shall be installed along the silt fence line from wetland flagging #19 to approximately #21 or to the 50' setback line from there on it will follow 5' off the wetlands line to the end of the northern property line.
- A maintenance schedule for the rain garden shall be submitted and approved by the Town Engineer.
- A silt fence shall be installed along the wetlands border during construction.
- The wetlands shall be monumented with permanent markers on certain wetland flags per the Town Engineer and a wetland record map shall be filed on the land records.

VOTE: Motion CARRIED 4-0-2 (ABSTENTION: Picarazzi and MacKeil).

Application 13-71, Bob Willis - Permit approval to construct an in-ground pool with a stone terrace and retaining wall within a regulated area at 87 Towerview Drive.

(Commissioner Chamberlain indicated for the record that his business partner knows Mr. Willis but did not believe he needed to recuse himself).

Motion (Lauria), seconded by (DeFeo) to APPROVE Application 13-71, Bob Willis as submitted subject to the General Conditions as established by the Commission.

VOTE: Motion CARRIED 4-0-2 (ABSTENTION: Picarazzi and MacKeil).

SCHEDULE FIELD INSPECTIONS

By unanimous consent the Inland Wetlands and Watercourses Commission scheduled the Field Inspection for Application 13-76, Sophia Nemergut – 5 Baldwin Avenue to take place on Thursday, November 21, 2013 leaving the Town Hall at 3:00 p.m.

REVIEW 2014 MEETING DATES: The commission reviewed the dates and will vote on them at the next regular meeting.

CORRESPONDENCE: The Habitat Fall Newsletter was distributed to the commission

STAFF REPORT:

- Mr. Maurer reported that he had met with William Till on October 21, 2013 with regard to Application 12-44, 53 Wildwood Drive - Permit approval for removal of 32 trees. Mr. Maurer reviewed the site and found it to be in general compliance with the permit. Pictures of the site were distributed to the commission.
- On October 22, 2013 Mr. Maurer met with Robert Dunn of the Building Dept., Doug Wenz of the P&Z Dept. and owner Neil Richling of 173 Teller Road to review numerous IWWC violations. He constructed two (2) storage sheds after being denied an IWW permit. Mr. Richling had submitted an application to build two (2) sheds, it went to a public hearing but he never submitted the certificate of mailings, paid for public hearing or attended the meeting. The sheds were installed anyway. Mr. Maurer told Mr. Richling he would need to get a permit for the sheds or remove them. Mr. Richling elected to remove the sheds.
- On October 24, 2013 Mr. Maurer met with James Fracker contractor for applicant Karen Cullina of 70 Old Dike Road, Application 12-36 - a trench filled with stone and filter fabric along the back wall. Mr. Maurer confirmed the work had been completed satisfactorily. Some site work is still to be done (drainage improvements).
- Mr. Maurer was notified on November 12, 2013 by Mr. Mallone of 22 Mohawk that the arborvitaes have been planted and the monument has been installed. Photographs were sent. Mr. Maurer to date has not seen the site and will confirm this.

By unanimous consent the Inland Wetlands and Watercourses Commission agreed a Public Hearing would take place at the December 3, 2013 meeting for Application 13-76, Sophia Nemergut - 5 Baldwin Avenue.

There being no further business to conduct and by unanimous consent the Inland Wetlands and Watercourses Commission adjourned at 9:18 p.m.

Respectfully Submitted,

Margaret D. Mastroni, Clerk