

INLAND WETLANDS AND WATERCOURSES COMMISSION

Town of Trumbull

CONNECTICUT

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TOWN HALL
Trumbull

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**DECEMBER 3, 2013
MINUTES**

MEMBERS PRESENT: Richard Girouard, Chairman
John Lauria, Secretary
Carmine DeFeo
Kevin Chamberlain
Guido Picarazzi, Sr.
Mark MacKeil, Alternate

ABSENT: Jeffrey Wright

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.

PUBLIC HEARING

Commissioner Lauria read the public hearing 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, December 3, 2013 at 7:30 p.m. in the Trumbull Town Hall Courtroom, 5866 Main Street, Trumbull, Connecticut, on the following application:

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.

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 21st day of November, 2013.

Richard H. Girouard, Sr., Chairman

Inland Wetlands and Watercourses Commission of the Town of Trumbull

On behalf of the Inland Wetlands & Watercourses Commission, the Chair thanked Arlyne Fox for her many years of service to the Town of Trumbull. Mrs. Fox will not be returning to the commission this term. Mrs. Fox served on the Conservation Commission for fifteen years, was appointed to this commission in 1988 and in 1999 was elected to the Planning & Zoning Commission. She continued to serve the Inland Wetlands and Watercourses Commission as the Planning & Zoning liaison. Mrs. Fox served all of the commissions with integrity and honesty. Her commitment, hard work and dedication will be truly missed. In her service to Trumbull she always had the Town's best interest at heart and always worked to protect Trumbull's natural resources. The Chair stated he would miss having her by his side serving as Vice-Chairperson and wishes her all the best in her future endeavors.

The Chair OPENED the PUBLIC HEARING at 7:35 p.m.

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.

The certificate of mailings had been submitted prior to the meeting.

Mr. David Bjorklund, P.E., licensed in the state of CT and president of the Spath Bjorklund Associates firm with offices in Monroe, CT representing the applicant was present. The site was previously approved for construction of a single family home, (Application 11-24). The next approval received was a waiver from ZBA to reduce the front setback from 50' to 35' which created a better backyard. The lot was difficult and is almost entirely on wetlands. It is shown on the 1964 Town aerials as a swamp. During the construction RT. 8 the lot was filled with ten (10) feet of rock and debris. During construction of the house, the contractor who excavated the basement came across the debris. He decided a way to dispose of the rock/debris found was to build the wall. The wall varies in height from 2' to 11'. The wall was not on the original plan approved in 2011, (Application 11-24). The grade was to be maintained; instead a wall was installed along the rear of the lot. This was cited as a potential violation and needed to come back to the Inland Wetlands & Watercourses Commission. Due to the height of the wall it would need a building permit. Mr. Bjorklund coordinated a meeting on site with a representative from the Town Engineer's office, himself, a geotechnical engineer, Herb Lubdell and the Building Inspector. As a result of this meeting it was determined that the only way the building department could sign off on the wall was to have a geotechnical engineer certify that the wall was built according to plan and was soundly constructed. That is not possible because Mr. Lubdell did not observe the construction of the wall. If the wall was not higher than 3' high it would not require a building permit. It was determined that they could face the front of the wall and place stone on a 1 to 1 slope from the edge of the wetlands and build it up at the front of the wall so that the wall was only 3' high. This would require encroachment into the actual wetlands, approximately 91 s.f. of wetlands would be filled. The alternates looked at were as follows: total removal of the wall or a partial removal which would get them back to what the original permit conditions were. Looking at the possibility of removing the wall or reducing the wall size from the high point of 11' to 3', it became obvious that the existing deck on the house would have to be removed. This would rip up the entire back yard. They would have to get a large excavator in the back yard to remove the rocks; this would be major construction. It was concluded that this would do more damage to the wetlands. None of the options are ideal. In addition to this work there is a 6' fence proposed. It will serve as a safety feature and as a noise buffer from the nearby RT. 8 traffic. They are also proposing to remove the wall on the west side of the lot. It is hindering free drainage from Gingerbrook to Baldwin Avenue. The stones removed will

be used for facing the wall. The rain garden of the original approval had not been constructed to date and will be as a result of this application. Removal of the wall will result in more destruction the rocks are huge. Removal would cause an enormous amount of disturbance. Most of the work being proposed will be done by hand or a small machine and could be done without severe harm to the wetlands with the exception of filling 91s.f. of the wetlands. The swale on the west side of the property will function again after the wall is removed from the area. If they are allowed to face the front of the wall, construction access would be from the west side of the lot. A small excavator will be used to remove the rocks. Those rocks would be walked over by a small machine with a bucket to the front of the wall at the rear of the lot. The rest of the work would be done by hand. There will be no equipment in the wetlands; the toe of the slope will be the limit of disturbance. Workmen will be standing in the wetlands but there will be no equipment or land disturbance beyond the toe of slope. Mr. Bjorklund agreed to small stones for the triangle of fill being placed due to the commission's concern of soil materials being placed underneath the armor stone going up the slope. Mr. Bjorklund confirmed for the commission that they would use the rocks from the west portion of the property to face the wall but would also have to bring more in. The wall will be stronger as to how much stronger Mr. Bjorklund indicated that he was not qualified to determine how much stronger it would be. The only way to receive a waiver for the building code for the height of the wall would be to file an appeal with the Building Code of Appeals. The 3' high requirement is new; the prior height requirement was 4' high. Mr. Bjorklund indicated for the commissioners that he is not a geotechnical engineer. He has been watching this wall since last summer, starting in June or July. There has not been any settlement in the back yard, no sink holes or pockets were created. After the wall is buttressed he would not expect to see the wall collapse but noted that is a matter for a geotechnical engineer to determine. Commissioner DeFeo noted that there is a requirement under Article 1, Section 5.2.3 of the Zoning Board of Appeals regulations that requires fences or walls located on top of retaining walls or fill to have a maximum height shall be measured by the preexisting grade and may not be increased by fill or fill enclosed by retaining walls that have the cumulative effect of increasing the total height of the fence or wall to greater than the height permitted by the regulations, stonewalls and retaining walls not exceeding 3' in height shall be excluded. Mr. Bjorklund explained that along the property line there is a limit of a 3' high fence, the further away from the property fence the higher the fence can be. Some people were piling a 3' berm of fill and then putting a 3' high fence on top of the berm, saying that conformed to the regulations. Article 1 section 5.2.3 was added to eliminate such a scenario. Commissioner DeFeo noted that he felt they would need to go to ZBA for a variance for the 6' high fence. Mr. Bjorklund stated that they will review this and if it is necessary they will go to ZBA. The sink holes will be addressed. The rain garden is 10' x 20' and would offset the 91 s.f. of wetlands being filled. The rain garden is not currently in the wetland area. They will face the wall until the existing wall is 3' high the rest of the embankment will stay as it is. Mr. Bjorklund stated that his office will oversee the proposed work.

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

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

VOTE: Motion CARRIED unanimously.

The Public Hearing CLOSED at 7:58 p.m.

OLD BUSINESS

The Chair OPENED Old Business at 7:59 p.m.

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

The Chair CLOSED Old Business at 8:00 p.m.

NEW BUSINESS

The Chair OPENED New Business at 8:01 p.m.

Application 13-77, Kelly Carling - Permit approval to demolish a 135 s.f. sunroom and build an approximate 490 s.f. bedroom, bathroom and closet within a regulated area at 6 Whipporwill Lane.

Kelly Carling of 6 Whipporwill Lane was present and indicated they intend to build a bedroom in place of the current sunroom; the entire property is within the upland review area. There has been design input from the neighbors to minimize any impact. They angled the addition at approximately a 60 degree angle while maintaining the appropriate setback from the pond. The pond is manmade. Ms. Carling confirmed for the commission that the only plans submitted were the site plan and architectural plans. She would submit roof drainage and/or footing drain information if the commission requires it. The Chair indicated during the work session of this meeting they would review the application and plans. Mr. Maurer will notify the applicant of what would be necessary to submit for the next meeting. Ms. Carling confirmed for Commissioner DeFeo that the curved line with a dash on the plan indicates the location of the pond. The dark line across the pond and island is the property line.

Motion (Chamberlain), seconded by (Lauria) to RECEIVE APPLICATION 13-77.
VOTE: Motion CARRIED unanimously.

Application 13-78, N.D. Acquisitions LLC, c/o National Development-Permit approval to demolish the existing industrial building and construct a proposed 64 unit (72 bed) assisted living facility within a regulated at 2415 Reservoir Avenue.

Atty. John Fallon with an office in Fairfield, CT representing the applicant was present. This particular property was before this commission as Application 12-27 and was approved on July 6, 2012. That applicant was an entity out of New York known as Continuum Assisted Living. What was approved under that plan was a 121 unit/168 bed assisted living facility. They determined not to proceed with the project because they had other prioritized projects in New York. The proposed project of this application is a modest and more focused project. It is a 2-story residential style building. The footprint will allow it to be a better plan as the previously approved plan with regard to site engineering and environmental impact.

Steve Senna of development project manager with National Development based in Massachusetts was present and indicated National Development has been in business close to thirty years with a concentration in senior projects. Their partner is Epic Senior Living based in Massachusetts and operates 18 senior facilities throughout Southern New England. The proposed Trumbull project will be their 6th project working together and the first of a half of dozen future CT projects. The previously approved project was a 3-story building with 120 units. This project will be called Bridges at Trumbull and will be 100% dedicated to patients with memory related disabilities, (i.e. Alzheimer's and dementia). Easy access to the front door and a generous secure courtyard are critical components of their program and therefore the

site-plan. Every detail of this building and site has been thought through to facilitate residents' safety, comfort and quality of life. National Development and Epic are convinced there is a need for a new memory care facility in Trumbull and believe the Reservoir Avenue site is an ideal location.

Theo Gelderman of Stantec with offices in Boston, Massachusetts was present and explained the differences between this plan and the previously approved plan. There are drainage swales that will daylight and go into a headwall. Just outside the chain link fence is an overgrown area. The site is approximately 4.4 acres. The proposed site plan has the same curb cut off of Reservoir Avenue, with a parking lot area on the north side and a drop off area at the front door. The drop off has some parking associated with it. They are pulling away from the wetlands significantly. The original approval was closer to the wetlands. The existing conditions (lot coverage) are at 38%, the previously approved conditions were at 34% and are down to 20% almost half the lot coverage. This proposal is a great improvement for the wetlands.

Philip Katz a licensed Civil Engineer with Stantec out of Hamden, CT office was present. Mr. Katz reviewed the storm water system with the commission. In the rear of the building there is a proposed bio-retention pond which will pick up drainage from the roof. There is a second bio-retention area to capture the service road area run off and another under the parking lot. There is a subsurface system under the parking lot which will allow the water to infiltrate back into the ground and will eventually discharge into the wetlands. There are two other features on site, at the driveway there will be a storm water quality unit installed due the grade at the area, this will remove sediment etc. before it is discharged. The second is located at another portion of the parking. All of the systems were designed in accordance with the DOT Drainage Manual and the CT Storm Water Quality Manual. They have met the water quality flow and volume requirements. For the 25-year storm they were able to reduce runoff and volume by 50-70%. They were able to remove 80% of the total suspended solids. This is a much less intrusive development and were able to reduce the pervious area from the previously approved application by a half an acre. They believe this a better plan for development with a lower impact to the environment. There are recommendations in the drainage report as to what would need to happen regarding maintenance. Mr. Gelderman stated they would put a manual together that would encompass all of maintenance necessary to the site and building, they typically do this for the owner. The system would also handle a 50-year storm, they have exceeded the State requirements. There would not be spill over to the neighbors' properties in the typical condition. The building is slab on grade. Mr. Katz indicated there is no liner underneath the infiltration system they want it to percolate into the ground. The embankment is not intended to be a free draining soil. Mr. Gelderman stated there are a 5 to 1 and a 3 to 1 slope. He did not foresee anything that needed to be done to alleviate erosion while the seed mix was being established although that would depend on the time of the year it was planted. The grass would be a rough lawn and would be mowed on a regular basis.

Atty. Fallon stated that the last application was good application that was thoroughly reviewed and approved by this commission. Circumstances have led to an opportunity to present a better plan in terms of less impacts and the reduction of impervious area. They are looking forward to moving forward on this plan and going to Planning and Zoning. There is a real need for this facility in this community.

Motion (Lauria), seconded by (DeFeo) to RECEIVE APPLICATION 13-78

VOTE: Motion CARRIED unanimously.

MINUTES: Motion (Lauria), seconded by (DeFeo) to accept the November 12, 2013 meeting minutes as submitted.

VOTE: Motion CARRIED unanimously.

WORK SESSION:

The Chair OPENED the Work Session at 8:33 p.m.

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

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.

Motion (Chamberlain), seconded (Lauria) to APPROVE Application 13-76, Sophia Nemergut for discussion purposes subject to the General Conditions as established by the Commission and the following specific conditions:

1. Construction of the stone slope and any repairs of the existing stone wall be periodically inspected by a licensed professional engineer, the engineer shall provide an interim and final report to the Town Engineer's office. The final report shall indicate whether the wall has been constructed in accordance with the plan.
2. The height and location of the fence is approved for the purposes of this commission's jurisdiction but is still subject to any limitations contained in the Planning & zoning Regulations of the Town of Trumbull.
3. All materials used to build the stone slope shall be of durable stone and shall not contain any soil.
4. Before work commences there shall be a preconstruction conference held at the jobsite with a representative of the Town's Engineer's office, a design engineer, the contractor and the owner present.
5. No machinery shall be permitted on the north side of the toe of the slope.
6. Prior to completion all existing trash shall be removed by hand completion.

VOTE: Motion CARRIED 5-0-1 (ABSTENTION: MacKeil)

SCHEDULE FIELD INSPECTIONS: The Inland Wetlands & Watercourses Commission agreed by unanimous consent to conduct a Field Inspection on Application 13-77.

The Clerk noted the applicant had sent out mailings to the abutters within 75' of her property.

Included in the applicant's file is an email received from one of the neighbors.

By unanimous consent the Inland Wetlands & Watercourses Commission agreed to schedule the Field Inspection on Tuesday, December 17, 2013 leaving the Town Hall at 3:00 p.m.

REVIEW STORM WATER DRAINAGE REGULATIONS

Mr. Maurer explained the Storm Water Drainage Regulations will now require storm drainage plans for any additional impervious surface at 400 s.f. or above, it was previously at 800 s.f. This is more in line with other municipalities. Less than 400 s.f. it will be required to show where the storm water is going and how or if it will impact your neighbors. At one point the amount was set at 175 s.f. that was too restrictive and was increased to 800 s.f. This requirement is in the middle and a better compromise. There are details, technical in nature added to the revised regulations. Mr. Maurer asked that the commission review the regulations and hope to have them published in December 2013 so people have notice before it goes into effect.

APPROVE 2014 MEETING DATES

Motion (Lauria) seconded by (Chamberlain) to approve the 2014-2015 Meeting Dates as submitted.

VOTE: Motion CARRIED unanimously.

Motion (Chamberlain) seconded by (Picarazzi) to change the start time of all IWWC meetings to 7:00 p.m.

VOTE: Motion CARRIED 5-0-1 (ABSTENTION: Lauria)

ELECTION OF OFFICERS

The Chair nominated Commissioner Lauria as Vice-Chairman, seconded by Commissioner Chamberlain.

Hearing no other nominations.

VOTE: Motion CARRIED unanimously.

The Chair nominated Commissioner Chamberlain as Secretary, seconded by Commissioner Lauria.

Hearing no other nominations.

VOTE: Motion CARRIED unanimously.

Commissioner Lauria nominated Richard Girouard as Chairman, seconded by Commissioner DeFeo.

Hearing no other nominations.

VOTE: Motion CARRIED unanimously.

There being no further business to discuss the Inland Wetlands & Watercourses Commission adjourned by unanimous consent at 9:05 p.m.

Respectfully Submitted,

Margaret D. Mastroni, Clerk