

INLAND WETLANDS AND WATERCOURSES COMMISSION

Town of Trumbull

CONNECTICUT

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TOWN HALL  
Trumbull

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APRIL 1, 2014  
MINUTES

MEMBERS PRESENT: Richard Girouard, Chairman  
John Lauria, Vice Chairman  
Kevin Chamberlain, Secretary  
Carmine DeFeo  
Guido Picarazzi, Sr.  
Mark MacKeil  
Richard Deecken  
David Molgard, Alternate (Not Voting)

ABSENT: Bruce Elstein, Alternate

ALSO PRESENT: William Maurer, P.E., LS and Town Attorney Vincent Marino.

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CALL TO ORDER: The Chair convened the meeting at 7:04 p.m. All present joined in the Pledge of Allegiance.

OLD BUSINESS:  
The Chair Opened Old Business at 7:06 p.m.

Application 14-03, Mark & Annette Tice - Permit approval to relocate an existing generator, extend and relocate existing stonewalls and construct a pool within a regulated area at 35 Cherrygate Lane.

Mr. James Swift, P.E., Landscape Architect was present on behalf of the applicants and explained this application represents construction of a pool to an existing house previously approved by this commission. At the time of approval the house plans did show a pool but the applicant did not have immediate plans to build it so it was agreed that they would come back to the commission with more details at a later date. This plan is for an in-ground pool and patio. There is an existing generator and stonewalls that will be relocated. The grade will be lifted in the pool area. This is to ensure that they do not go closer to the wetlands. The setback to the wetlands for misc. activities is approximately 12', (i.e. getting machinery around and installing plantings). The hardscape's setback to the wetlands is 17', (i.e. retaining wall). There is no proposed disturbance of the wetlands on this site. The plantings chosen were specifically chosen for mitigation. There is a rock formation that will be used as a waterfall on the south

side of the pool. Erosion controls are detailed on the plans. Per staff review revisions were made in the comment section. In an attempt to increase the distance to the wetlands Mr. Swift indicated they had looked at alternate orientations of the pool. It was feasible to do so, but there are some existing improvements that would need to be moved. The buyer of the house does not want to lose the existing patio. The pool could be rotated to get it 5'-6' closer to the house. The proposed pool is an in-ground pool with a liner. The patio will be over the backfill (drainage crushed stone behind the wall). The 4' pool deck area is limited to the side area only. There is more than a 4' pool deck area at the ends. Most of the activity after the pool is constructed will take place between the pool and the house. Structurally Mr. Swift is comfortable with the pool and wall.

Mr. Swift agreed the following condition of approval is acceptable: Details of the pool showing the relationship of the wall to the pool shelf with an engineer's seal would be submitted. The 20' x 40' area is the water surface area; the apron is outside of that. The pool decking is at elevation 380. The wetland is at approximately elevation 369. Mr. Swift does not have a final design on the pool but believes the pool will be 6' deep at the existing grade. There is no physical connection between the pool and the wetlands, therefore chlorinated water would not be able to get into the wetlands unless there was a catastrophic failure. In this situation the owners would typically not have to drain the pool. If they were to do so they would need to have it pumped out. Mr. Swift agreed to the following condition of approval: There shall be no drainage from the pool onto the property and if it is necessary to drain the pool it would need to be pumped. Mr. Swift believes the wire on the ground approximately 10' to the wetlands is an invisible pet fence. Mr. Swift would anticipate a condition of approval to remove the debris from the west side area.

Annette and Mark Tice currently own the house; the house is for sale to a contract purchaser who is requesting this to be done. Mr. Swift showed the commission where the buried propane tanks are located on the plan, and expects the pool equipment to be in that area. Mr. Swift stated he would expect that pool equipment detail showing the location provided by an engineer would be a condition of approval. The applicant would be agreeable to using a cartridge filter or something that does not backwash water. The waterfall is not shown on the plan and would not extend beyond the silt fence area. To create the waterfall they would maneuver the rocks in the area. Pool water will be recirculated and there would be a liner under the waterfall. If the commission were to request the detail of the waterfall it would be provided. Mr. Swift stated he could not speak for the applicant or the purchaser with regard to switching the pool to a gunite pool as a condition of approval. Mr. Swift confirmed that there will be a 4' steel picket fence on top of the retaining wall. Detail will be provided on the plans. He was not aware if the applicant had considered a salt water pool to mitigate any potential chlorine issues. All possible conditions of approval and all of the situations discussed at this meeting are acceptable as conditions of approval.

Application 14-04, Clodomiro & Aida Falcon - Permit approval to install a riprap slope within a regulated area at 33 Melrose Avenue.

Mr. James Swift, P.E., Landscape Architect was present on behalf of the applicants and indicated there is an existing stream that passes through the applicants' property. It is a fairly substantial watercourse with a FEMA flood elevation (shown on the plan). There has been a rubble stone retaining wall on the bank for years. The rubble wall had a hedge planted on top

of. The embankment was moderately stable with the hedge and retaining wall, but had started to fail. The residents were not comfortable with it stabilization and started to trim away the hedges on top of the wall. The applicants did start to bring in material. This was done without the proper wetlands permit. They stopped the work as soon as they were made aware. An application had been submitted by a contractor a few months ago but subsequently withdrawn because the commission was not comfortable with the application and felt an engineer should participate in the design. The applicants contacted Mr. Swift to design the stabilization of the watercourse.

Mr. Swift went to the site and developed a plan as follows:

- Remove the remains of the rubble gravity wall.
- Slope the embankment further back. The existing wall was almost vertical.
- The embankment will be changed to a 1 on 1 slope by removal of approximately 12-18 cubic yards and the use of intermediate rip rap. There is no fill proposed. Intermediate rip rap will be placed from the stream bed to the top of the slope. They are not proposing to touch the stream bed. The rip rap starts just off Melrose Avenue and ends where there was a 10'-12" tree that was cut down, a stump remains there.
- The stump will be removed. The contractor will work from the top of the slope with a small machine to remove the stump.

In summary this is an unstable slope that had started to deteriorate before the homeowner had done anything. This proposal will protect the homeowner's property and hopefully satisfy the Commission. Mr. Swift confirmed for the Commission that no other work is proposed on the other side of the stream. The applicants own both sides of the embankment. The other side has plantings of daylilies with only minor erosion, nothing chronic.

Commissioner Deecken noted that Island Brook flows to Island Brook Lagoon and then to Lake Forest. The brook is very narrow in Trumbull but when it meets up 1 ½ miles south it is a considerable body of water. All of which is fed by this brook on this property.

Mr. Swift explained that he would not be using filter fabric because he would prefer to see growth. The intermediate stones up to 18" in size are more than adequate. There will be some voids and would like to see those fill up with organic material. Sometimes when the area is small, the silt fence can cause more trouble than it is worth. They are not proposing a silt fence at the top of the slope or a toe stone, but would defer to the commission on this. Mr. Maurer requested a brief narrative/construction sequence on the plans. Mr. Swift agreed.

Motion (Deecken), seconded (Picarazzi) to CLOSE Old Business.

VOTE: Motion CARRIED unanimously.

The Chair CLOSED Old Business at 7:36 p.m.

#### NEW BUSINESS:

The Chair OPENED New Business at 7:37 p.m.

Mr. William Maurer, P.E., LS was present on behalf of the applicant, the Town of Trumbull and explained Applications 14-05 and 14-06 are part of the same project, therefore there will be one presentation for both applications. Each application involves a separate property owner.

Application 14-05, Town of Trumbull - Permit approval to pipe an existing open swale, remove trees, fill, re-grade and reseed and plant trees within a regulated area at 165 Lake Avenue.

Application 14-06, Town of Trumbull - Permit approval to remove trees, re-grade, add topsoil, reseed and replant trees along the property line with 165 Lake Avenue within a regulated at 161 Lake Avenue.

Mr. Maurer indicated the project at 161 and 165 Lake Avenue consists of a deep drainage swale that is not functioning. It has been filled in over the years by various owners probably due to its depth. All of the drainage from Lake Avenue ends up in this area. It no longer drains. Photographs of the area were submitted for the record. The Town is acting through their easement on private property. The existing pipe ends at the headwall at the property line. At approximately the 378 contour it has been filled in with debris and sand, (as seen in the photographs submitted). The Town is proposing to remove the headwall, set a manhole, pipe the swale for another 100' and build another headwall. Fill will be used. They want it to be drivable so that in the future they can clean it out.

The trees to be removed at 161 Lake Avenue are as follows:

Two 30" partially dead trees, a 36" tree, a 12" tree in the easement and two 15" trees.

The Town plans on reseeding, re-grading and replanting trees along the outer portion of the easement (on private properties). This is to ensure that it is not blocked again. The Town is currently working on funding this project, if the funding is approved the Town would like to perform the work as soon as possible. This is a low point in the road. All of the drainage is shallow and could impact the road. At the end of this area there are distinct wetlands where they are proposing the new headwall. There is wetland soil further south to this area. If a fence were installed in lieu of filling the swale, it would create more maintenance and another obstacle. The fence would need to be installed for a length of 100' on both sides. After the filling there will still be a depression but it will not be as deep as it is now. The water coming from the pipe is all street water. The stream is shown on the 500' contour map. Mr. Maurer confirmed for Commissioner Chamberlain that the Town is obligated to maintain the easement by keeping it the way it is or by improving it. The Town looked at the option of cleaning out the swale, but the Engineering Dept. felt the proposed plan is a better alternative than to leaving it as an open swale. The Town will replant. They want the plantings in the right spot so that the Town can access the area in the future. This project will be supervised by the Dept. of Public Works. Mr. Maurer will confer with the Parks Director as to the proper species, mix and planting placement. The area the work will be done in was originally a swale with a drainage easement created in the early 1970's. There is wetland soil in the back area. The mapping does show wetland soils throughout the area, although it has never been flagged. Mr. Maurer confirmed for Commissioner Deecken that the bottom of the swale without the pipe is at elevation 373 and the top of the frame is at elevation 378.5. It is a very shallow area, a simplified version of the work is to clean and fill the swale and bury a pipe to transport the water. The area will be flattened by bringing it to grade. The debris will be removed. The whole area is wet, but it is not in a flood zone or a floodway. The fill used will be clean and will support the weight of a machine to clean out the area in the future. If wetland soils were used it would defeat the purpose of why this is being done.

Motion (Picarazzi), seconded (Deecken) to CLOSE New Business.

VOTE: Motion CARRIED unanimously.

The Chair CLOSED New Business at 7:52 p.m.

MINUTES: Motion (Chamberlain), seconded by (Lauria) to accept the March 4, 2014 minutes as submitted.

VOTE: Motion CARRIED unanimously.

CORRESPONDENCE:

- Fee Waiver Request: Application 13-67, Clodomiro Falcon of 33 Melrose Avenue dated September 12, 2013, submitted with said application. Application 13-67 was WITHDRAWN at the December 3, 2013 meeting. (*Application 13-67, Clodomiro Falcon - Permit approval to stabilize stream banks with riprap, soil and plantings within a regulated area at 33 Melrose Avenue.*)
- Fee Waiver Request: Application 14-04 Clodomiro & Aida Falcon of Melrose Avenue dated February 17, 2014 submitted with said application. (*Application 14-04, Clodomiro & Aida Falcon-Permit approval to install a riprap slope within a regulated area at 33 Melrose Avenue.*)

WORK SESSION:

The Chair OPENED the Work Session at 7:55 p.m.

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

Motion (Lauria), seconded (Chamberlain) to WAIVE the permit fees on *Application 13-67, Clodomiro Falcon - Permit approval to stabilize stream banks with riprap, soil and plantings within a regulated area at 33 Melrose Avenue* dated September 12, 2013. The Commission will process the application fee for the current application, Application 14-04 Clodomiro & Aida Falcon of Melrose Avenue dated February 17, 2014 (*Application 14-04, Clodomiro & Aida Falcon-Permit approval to install a riprap slope within a regulated area at 33 Melrose Avenue.*)

VOTE: Motion CARRIED unanimously.

Motion (Chamberlain), seconded (Deecken) to approve Application 14-03, Mark & Annette Tice subject to the General Conditions as established by the Commission and the following specific conditions:

1. The pool design drawings shall be certified by a licensed professional engineer and submitted to the Town Engineering Department prior to issuance of the building permit.
2. The details shall show the relationship of the retaining wall to the pool.
3. The details shall include the proposed pool equipment location.
4. The pool's filtration system shall not discharge backwash.
5. A 4' guardrail shall be installed on top of the retaining wall to serve as fall protection.
6. All debris within the upland review area shall be removed.
7. Pool water shall not be drained into the wetlands.
8. The pool equipment shall be placed on the south side of the property near the propane tanks.
9. There shall be no activity beyond the line of the silt fence.
10. Should the applicant want to install the waterfall/rock garden it shall be a separate application from this one.

Application 14-04, Clodomiro & Aida Falcon - Permit approval to install a riprap slope within a regulated area at 33 Melrose Avenue.

Motion (Chamberlain), seconded (Picarazzi) to approve Application 14-04, Clodomiro & Aida Falcon subject to the General Conditions as established by the Commission and the following specific conditions:

1. A final plan shall be submitted to the Town Engineer addressing his concerns.
2. The final plan shall include a construction sequencing narrative.

Motion (Deecken), seconded (Lauria) to RECEIVE Applications 14-05 & 14-06.  
VOTE: Motion CARRIED unanimously.

#### SCHEDULE FIELD INSPECTIONS

By unanimous consent the Inland Wetlands & Watercourses Commission agreed the Field Inspection would take place on Monday, April 28, 2014 leaving the Town Hall at 3:30 p.m. for APPLICATIONS 14-05 and 14-06.

STAFF REPORT: 24 Rocky Hill Road.

Mr. Maurer reported an application is expected to be filed.

There being no further business to discuss the Inland Wetlands & Watercourses Commission adjourned by unanimous consent at 8:25 p.m.

Respectfully Submitted,

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Margaret D. Mastroni, Clerk