

INLAND WETLANDS AND WATERCOURSES COMMISSION

Town of Trumbull

CONNECTICUT

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TOWN HALL
Trumbull

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MINUTES
OCTOBER 7, 2014

MEMBERS PRESENT: Chairman Richard Girouard, Vice-Chairman John Lauria, Kevin Chamberlain, Secretary, Guido Picarazzi, Carmine DeFeo, and Richard Deecken.

ABSENT: Mark MacKeil Sr., Bruce Elstein, Alternate and David Molgard, Alternate.

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

CALL TO ORDER: The Chair convened the meeting at 7:05 p.m. All present joined in the Pledge of Allegiance.

The Chair announced the applicant had requested a CONTINUANCE to the November 12, 2014 meeting for Application 14-23, 147 Daniels Farm Road, LLC c/o James Fracker. The Public Hearing for Application 14-23 will not be opened at this meeting, it will be CONTINUED to the November meeting.

NEW BUSINESS:

1. Application 14-28, Emilio Ferri - Permit approval to construct a single family residence, retaining wall, driveway, extend the roadway, place fill, and related improvements, and allow the home to be built within ten (10') feet of the wetlands boundary (present approval is fifteen (15) feet within a regulated area at Sycamore Street , Parcel "C").

Attorney Raymond Rizio representing the applicant Emilio Ferri was present and explained the Sycamore property was approved in 2010 per a stipulation by the courts. The approval was 20' from the wetlands. The application was denied by ZBA. Atty. Rizzio submitted a copy of the ZBA denial for the record. The house will be 7½' from the street, there is no way to comply with the 50' setback. They will need to go back to ZBA for a variance. The applicant is willing to put in any barriers for the wetlands. There are no wetlands to be filled or disturbed on the property. The property has a severe slope approximately a 20' drop. The proposed house is only 28' deep, 1600 s.f. with a room above the garage. Commissioner Lauria noted the stipulation was for 20' and noted there was a deck included with the original application. Atty. Rizio stated alternate plans will be brought to the next meeting.

Abandoning the road would be the most practical solution. The commission suggested a one car garage or possibility no garage. The property still has a trailer with forms on it. Atty. Rizio explained that the applicant is keeping the forms there with the hope that he will be able to build all 3 houses at once. Mr. Maurer explained that the new application would need to conform to the new Storm-water Management system dated January 1, 2014.

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

2. Application 14-29, Jerry Presson - Permit approval for grading and use of property within the regulated area at Cemetery Drive. Map J-9 Parcel 156.

Mr. Presson of Golden Hill Street was present and indicated that he had assumed the responsibility as President of the Nichols Farm Cemetery. They work to preserve our Town's forbearers. This is the oldest cemetery in Connecticut. Mr. Bombero has done an analysis and the topographies for the applicant. They will put in any necessary barriers. They want to protect the property and have purchased adjacent properties to do so. There is a need to continue to grow. The topography provided with the application is a vision for the future. Mr. Maurer confirmed for the commission that this application came via a Notice of Violation. The applicants have been very cooperative and have hired the correct people from the onset. Mr. Bombero stated that the site plan shows the vegetated area and can stake where the burial sites would be in the future. The existing condition map was reviewed in detail with the commission.

Moved (Deecken), seconded (Picarazzi) to RECEIVE.
VOTE: Motion CARRIED unanimously.

3. Application 14-30, The Kennedy Center - Permit approval to construct a garage/storage building and parking area, stormwater detention structures, and associated grading with utilities within a regulated area at 2440 Reservoir Avenue and Booth Avenue.

Mr. David Bjorklund, Jr., P.E. with offices in Monroe, CT representing the Kennedy Center was present and indicated the site currently has a building and a parking lot. The current parking lot does meet their needs, there are people parking on Woodside Avenue. Booth Avenue is an old paper road which has never been improved. The Kennedy Center wants to expand the back parcel. The Kennedy Center runs a landscaping business. The wetland area is off site and the watercourse flows through the property to a pipe and exits at the Merritt Parkway area. There is no impact to the wetlands almost the entire site is within the regulated area. Mr. Bjorklund respectfully requested a \$500 fee waiver due to the fact that they are a not-for-profit organization. There are no other buildings on this site. They will be tying into water and sewer. This will have a bathroom facility and will serve as a congregation area for the landscapers where they can use these facilities at the beginning and end of shifts as opposed to entering the main building on site.

*Commissioner Chamberlain recused himself from Application 14-30 at 7:45 p.m.
Moved (Deecken), seconded (DeFeo) to RECEIVE.
VOTE: Motion CARRIED 5-0-1 (ABSTENTION: Chamberlain).

Moved (Deecken), seconded (Picarazzi) to CLOSE New Business.
VOTE: motion CARRIED unanimously.
New Business CLOSED at 7:47 p.m.

OLD BUSINESS:

The Chair OPENED Old Business at 7:48 p.m.

The Chair indicated that he conferred with the Town Attorney and had been advised to make the commission aware that Michael Cerretta one of the associates involved in Application 14-17 had been a neighbor of his, they have never conducted business together and have not associated in a social manor, therefore it would not be necessary to recuse himself.

4. Application 14-17, MGM Properties LLC (Modification 04-36), - Permit approval to increase building site, revise grading in building rear to accommodate flood compensatory storage, increase driveway width accessing Broadway, install flood storage galleries and piping within a regulated area at 6528 Main Street.

Mr. Bjorklund a professional engineer in the state of CT of Spath Bjorklund Associates with offices in Monroe was present and indicated that the modification of Application of 04-36 has been extended to December 2014. (Attorney Marino left the meeting at 7:49 p.m.) All prior applications had been heard as ABM Brothers, the property has since been sold to MGM Properties, LLC (Attorney Marino returned to meeting at 7:51 p.m.) Modifications of the plan were distributed (11"x17" plan) and reviewed at this meeting. The red line indicates what had been previously approved; the black lines indicate what is proposed in this application. The number of parking spaces has been reduced. There will be less impervious surface, because the building has been reduced from two floors to one floor. Compensatory storage is required, originally there was underground storage included in the plan but was not acceptable. The new plans show the limit of disturbance, lower elevations for compensatory storage. The applicant has requested the cleaning of the 24" pipe be added to this application and also requested waiving \$1,000 of the application fee. Applicant submitted the request in writing at this meeting. Mr. Maurer indicated that a letter had been sent to Mr. Bjorklund from the Town Engineer re: working in the floodway and no rise. This has been worked on by the Town Engineer with Mr. Bjorklund and he was able to prove he was not raising the flood elevation, certain conditions must be met for a Certificate of Occupancy and a building permit per the letter dated October 7, 2014. Also requested was a riparian buffer plan be submitted for all of the work to be done in floodway. There are three (3) elevation certificates required. Mr. Bjorklund stated for the record that he had received and reviewed the letter dated October 7, 2014 and agreed to all of the conditions. Mr. Maurer stated the compensatory storage and the storm water management systems are two very different systems. The storm water detention systems are still in place as originally designed, the compensatory storage is for the flood plain. Mr. Bjorklund stated they are providing approximately 80 extra cubic yards of storage that is not there today. Mr. Bjorklund stated they would put a plunge pool in if the commission wanted, there is no basement and the site itself will provide the compensatory storage. Mr. Bjorklund stated the watercourse has been cleaned several times to date. Mr. Maurer indicated the fence needs to be removed because of the floodway. Mr. Bjorklund agreed and noted that falls P&Z's purvue.

9. Application 14-25, Kelly Carling Trustee of Tobias and Kelly Carling Living Trust dated 10-19-2013.

An email from Mr. Pekera had been sent to the office this afternoon and is included in the file. Mr. Pekera is concerned with regard to removing the trees. The other points discussed in the letter were applicable to Planning & Zoning. Mr. Maurer explained that the spillway has been filled with debris by Ms. Carling's landscaper if this were to be approved at this meeting removing of the debris from the spillway should be a condition of approval.

At the discretion of the Chair the following people were present and were allowed to speak to this application:

- Ms. Barbara Saltman of 6 Fairchild was present and indicated that she and her husband were concerned that trees were being taken down unnecessarily. The view will be barren and if the water in the spillway is not allowed to empty there will be flooding issues.
- Ms. Louise Ambrose of 7 Fairchild was present and indicated that all are concerned that the applicant is doing one thing after the other. The applicant had come to herself and her husband requesting they remove 3 trees on their property.
- Ms. Gloria Murphy of 3 Fairchild spoke to the animosity within the neighborhood and noted that this has become a trying experience.

Three of the trees are in striking distance of the house approximately 70' from the house, the other three are on the other side of the spillway and are a further away. As a condition of approval Mr. Maurer recommended that stumps remain because any land disturbance there would greatly impact the pond. The commission had erosion concerns if the trees along the pond were to be removed. The trees are on the south side of the pond providing a cooling factor for the pond. This would be a healthier pond with shade. The three pine trees that could strike the house may need to come down. Mr. Maurer confirmed for the commissioners anything hand-drawn on the plan is proposed and stated the plantings of 6 Hemlocks was previously approved in December. The addition was also previously approved. The location of the shed had been moved. The terrace, hot tub, fire pit, walk, retaining wall and the walk in the front are all new to this application.

The Chair CLOSED Old Business at 8:28 p.m.

The Chair OPENED the Work Session at 8:29 p.m.

After discussion and review the commission took action on the following applications:

Item #4. Motion (Chamberlain), seconded (Deecken) to APPROVE Application 14-17, MGM Properties LLC (Modification 04-36) as submitted subject to the General Conditions as established by the Commission and the following specific conditions:

- Conditions of approval as outlined by the Town Engineer in the attached letter to Mr. David Bjorklund, P.E. dated October 7, 2014.
- The 24" storm drainage pipe shall be cleaned out.
- A maintenance schedule shall be followed to clean debris from the stream as indicated on page S1 of the site plan.

- A plunge pool shall be located at the end of the 24” pipe.
- The proposed fence shall be eliminated from the application.

VOTE: Motion CARRIED unanimously.

Item #5. Application 14-20, Joseph Giamei - Permit approval to install two (2) driveways, construction of a portion of a new home and associated site work within a regulated area at 215 Rocky Hill Road.

Motion (Lauria), seconded (Picarazzi) to APPROVE Application 14-20, Joseph Giamei as submitted subject to the General Conditions as established by the Commission and the following specific conditions:

- The applicant shall comply with the Town of Trumbull Storm-water Management Design Standard date January 1, 2014.
- A silt fence shall be installed at the east side of Rocky Hill Road.
- A site Monitor shall be hired by the applicant subject to Town Engineer’s approval to conduct inspections after every rainfall and on a weekly basis.

VOTE: Motion CARRIED unanimously.

Item #6. Application 14-21, Eric & Courtney Kudey- Permit approval to relocate a sewage tank/grinder pump, remove a gazebo with an attached room and existing deck and replace with a 14’x 46’ deck within a regulated area at 85 Pinewood Trail.

Motion (Chamberlain), seconded (Lauria) to APPROVE Application 14-21, Eric & Courtney Kudey as submitted subject to the General Conditions as established by the Commission.

VOTE: Motion CARRIED unanimously.

Item #7. Application 14-22, Warren Jacques - Permit approval for a sanitary sewer connection to an existing main within a regulated area at 62 Spring Hill Road.

Motion (Chamberlain), seconded (Deecken) to APPROVE Application 14-22, Warren Jacques as submitted subject to the General Conditions as established by the Commission.

VOTE: Motion CARRIED unanimously.

Item #8. Application 14-23, 147 Daniels Farm James Fracker-Permit approval to construct a single family Road, LLC c/ohome subdivision, tree removal, grading, home driveway and road construction, installation of a detention pond, road drainage, channels, sanitary sewers, plunge pools and erosion control measures within a regulated area at 147 Daniels Farm Road.

Motion (Lauria), seconded (Chamberlain) to GRANT a CONTINUANCE to the next meeting for Application 14-23, 147 Daniels Farm James Fracker.

The Continuance was requested as stated in the letter included in the file that staff had requested additional information, there was not enough time to submit the information.

VOTE: Motion CARRIED unanimously.

- Item #9. Application 14-25, Kelly Carling Trustee of Tobias and Kelly Carling Living Trust dated 10-19-2013 - Permit approval to straighten and widen the driveway, remove existing retaining wall and replace with a fieldstone retaining wall, demolish the existing stone patio and replace with a bluestone patio with an 18" sitting wall, fire pit and barbecue area, Install an above-ground hot tub, replace the front steps with bluestone, plant new trees and shrubs throughout the site and remove Pine trees, Spruce and Willow within a regulated area at 6 Whippoorwill Lane.

After discussion and review the Town Attorney recommended it would serve the applicant best to DENY without prejudice. The commission has numerous items that need to be addressed. The next meeting date would be either 65th day after receipt of the application. Denying without prejudice would allow the applicant more time to address the commission's concerns and the deficiencies in the submission:

They are as follows:

- The application is not complete – the application indicates 5 trees to be removed, there are 8 trees proposed on the plan.
- The fire pit and patio at their closest point are within 5'-10' of the pond.
- The new patio radius and corner points should be staked.
- A plan with dimensions should be submitted.
- The commission is concerned with removing the trees along the south side of the pond and the Willow tree.

Motion (Lauria), seconded (DeFeo) to DENY Application 14-25, Kelly Carling Trustee of Tobias and Kelly Carling Living Trust dated 10-19-2013 without prejudice.

VOTE: Motion CARRIED unanimously.

- Item #10. Application 14-27, Lisa Hawkes - Permit approval to install a shed within a regulated area at 122 Fern Circle.

Motion (Chamberlain), seconded (Deecken) to APPROVE Application 14-27, Lisa Hawkes as submitted subject to the General Conditions as established by the Commission.

VOTE: Motion CARRIED unanimously.

Motion (Chamberlain), seconded (Deecken) to CLOSE Old Business/Work Session.

VOTE: Motion CARRIED unanimously. Old Business/Work Session CLOSED at 9:13 p.m.

Mr. Maurer reported that the activity at 1487 Huntington Turnpike has stopped, silt fencing has been installed around the chip piles. The chip piles have been condensed, no further excavation has

taken place and he requested silt fencing to be installed around the pond and the stream. Mr. Maurer expects that they will submit an application next month.

The Chair noted there is an extensive report from the Conservation Commission re: Application 14-23 and suggested the commissioners review for the next meeting.

MINUTES: Accept meeting minutes: September 9, 2104. POSTPONED unanimously.

CORRESPONDENCE:

- Spath Bjorklund 09/15/2014 letter granting a 40-day extension of time for the commission to render a decision on Application 14-17 MGM Properties, 6528 Main Street, Trumbull, CT.
- Pamela Georgas of 117 Broadway Road letter dated 09/05/2014 to Chairman Girouard re: Application 14-17.
- Spath-Bjorklund Associates, Inc. letter dated August 11, 2014 re: Request of the addition of the following activity to Application 14-17 MGM Properties, LLC: Cleaning out of the existing 24: storm drainage pipe within a regulated area at 6528 Main Street.
- Kennedy Center letter dated September 23, 2014 requesting a partial waiver of fees re: Application 14-30.

The consensus of the IWWC was to deny Application 14-17's request for a \$1,000 fee reduction.

Motion (Deecken), seconded (DeFeo) to DENY waiving \$500 from the application fee on Application 14-30, Kennedy Center.

VOTE: Motion to DENY CARRIED 5-0-1 (ABSTENTION: Chamberlain)

SCHEDULE FIELD INSPECTION(S)

By unanimous consent the Inland Wetlands & Watercourses Commission agreed to WALK the following applications on Tuesday, October 21, 2014 leaving the Town Hall at 2:30 p.m.:

- Application 14-28
- Application 14-29
- Application 14-30

By unanimous consent the Inland Wetlands & Watercourses Commission agreed a PUBLIC HEARING on Application 14-28, Emilio Ferri.

There being no further business to discuss The Inland Wetlands & watercourses Commission adjourned by unanimous consent at 9:35 p.m.

Respectfully Submitted,

Margaret D. Mastroni, Clerk