

INLAND WETLANDS AND WATERCOURSES COMMISSION

Town of Trumbull

CONNECTICUT

www.trumbull-ct.gov

TOWN HALL  
Trumbull

TELEPHONE  
(203) 452-5005



MINUTES  
JANUARY 6, 2015

**CALL TO ORDER:** The Chair called the meeting to order at 7:04 p.m.

**PRESENT:** Chairman Richard Girouard, Vice-Chairman John Lauria, Kevin Chamberlain, Secretary, Carmine DeFeo, Guido Picarazzi, Mark MacKeil, Richard Deecken, David Molgard, Alternate and David Verespy, Alternate.

**ALSO**

**PRESENT:** William Maurer, P.E., L.S., and Town Attorney Barbara Shellenberg.

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Commissioner Chamberlain 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, January 6, 2015 at 7:00 p.m. at the Trumbull Town Hall, 5866 Main Street, Trumbull, Connecticut, on the following applications:

A copy of the application and maps are on file for public inspection in the Town Engineer's Office, Town Hall, Trumbull, Connecticut.

Application 14-23, 147 Daniels Farm Road, LLC c/o James Fracker - Permit approval to construct a single family home 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.

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".

Application 14-37, Emilio Ferri - Permit approval to construct a single family house with associated grading and utilities within a regulated area at Parcel A, Sycamore Street.

Application 14-38, Emilio Ferri - Permit approval to construct a single family house with associated grading and utilities within a regulated area at Parcel B, Sycamore Street. (Prior December 6, 2005 Approval Expired)

Dated at Trumbull, Connecticut this 24<sup>th</sup> day of December, 2014.

Richard H. Girouard, Sr., Chairman

Inland Wetlands and Watercourses Commission of the Town of Trumbull

1<sup>st</sup> Publication in CT Post 12/24/2014 (Authorization #14-014800 358)

2<sup>nd</sup> Publication in CT Post 01/01/2015 (Authorization #15-014800 001)

### **NEW BUSINESS:**

**Application 14-45, Jan and Nancy Nagel** - Permit approval to construct an addition and recreation structure with associated patios and removal of trees per the landscape plan within a regulated area at 161 Pinewood Trail.

The Chair noted for the record the applicant had requested in writing that this item be postponed to the February meeting, the commission will not receive this application at this meeting.

**Application 14-46, Matthew and Lina Matera** - Permit approval to construct an addition and driveway within a regulated area at 40 Old Green Road.

No one was present to present.

**Application 14-47, John Mandanici, Jr. (Modification of Application 08-01)** - Permit approval to relocate the road due to safety and circulation concerns and Town regulations for the for the approved 4-single family residential lot subdivision within a regulated area at 254 Shelton Road. (All houses and driveways outside the regulated area)

Attorney Raymond Rizio was present on behalf of the applicant. In 2008 the applicant received an IWWC approval for a 4-lot subdivision. The sub-division approval has expired but the wetlands approval had been extended. The previous application approved the drainage and the addition of white pines. The site-plan indicates in green the wetlands, the blue is the 50' and the pink is the 100'. The previous application had the septic systems all within the regulated area with a portion of the house touching. After meeting with the Town and the engineers they tried to prepare a plan that has more consistently shaped lots and a formal access as currently required by the subdivision regulations. This is a simpler straight forward application. The cul-de-sac has been removed; there are still 4 houses on 4 lots, one roadway to a cul-de-sac that will service all 4 lots. Sewers will now be within the 50' of the wetlands. This is a better application since there will be sewers and a storm-water detention system. One house will be within the 50; and a portion of 2 others. One of which will be 85' and the others will be 70' from the wetlands. The driveways will all be serviced off the front and will not be in the regulated area. The fourth lot has no impact. There is not filling of any wetlands. Atty. Rizio does not think the application requires a public hearing. There is an environmental improvement since there will be sewers rather than septic and an improvement with regards to safety and compatibility with the adjoining properties. This is an administrative change. An extension was granted in 2013. This is an active permit. The storm drainage reports will be submitted next week. The white pines are still in the plan and more have been added. The black area with dots indicates the white pines.

The commission could as a condition of approval require a setback. Currently monuments are required. The monuments could be turned into a split rail fence. None of lot #4 is within the regulated area and there will be a Town road located there. Lot #1 is a corner lot and has (2) 50' setbacks. There will be minimal tree removal within the regulated area. It is not a wooded area. The heavily wooded area is between this property and Saint Catherine's church and are not touching that area at all. There is no work in or near the wetlands. The fence will be put up before the wetlands area. The previous application required monuments and adding white pines for added protection. This application could have the condition of a split rail fence for additional demarcation. This would greatly improve the current permit. Each homeowner will choose the plantings. The LOD (Limit of Disturbance) will be the wetland boundary. Atty. Rizio agreed he would provide the commission with a map with the LOD marked on it. Atty. Rizio distributed a copy of the 08-01 approval letter to the commission. The pines are approximately 6'-8' tall or the commission could require the size of the pines be per the Tree Warden's approval. Mr. Maurer confirmed for the commission that some of the pines have been planted. Atty. Rizio explained some of the work had been started, the woodchips have been removed and some clearing had been started in accordance of the approved permit. The commission discussed a small vegetative buffer would be better than having the lawns right up to the wetlands area. Atty. Rizio confirmed plans would be submitted to show the LOD and will give some more area before the wetlands. The split rail could be installed 5-10' off the wetlands area to create the buffer.

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

**Application 14-48, Booth Hill Road, LLC** - Permit approval to construct a 4-lot subdivision, including 400' of new roadway, regulated activities include construction of a storm pipe and flared end discharge within a regulated area at Map 16, Parcel 90 Booth Hill Road. (No houses, yards or roadway construction is proposed in the wetlands, watercourse or upland review area.)  
No one was present to present at this meeting.

**Application 14-46, Matthew and Lina Matera** - Permit approval to construct an addition and driveway within a regulated area at 40 Old Green Road.  
Motion (Chamberlain), seconded (MacKeil) to RECEIVE.  
VOTE: CARRIED unanimously.

**Application 14-48, Booth Hill Road, LLC**  
Motion (MacKeil), seconded (Chamberlain) to RECEIVE.  
VOTE: CARRIED unanimously.

Motion (Deecken), second (Chamberlain) to CLOSE New Business.  
VOTE: Motion CARRIED unanimously.  
New Business CLOSED at 7:29 p.m.

#### **OLD BUSINESS:**

The Chair OPENED Old Business at 7:30 p.m.

**Application 14-40, Fausto and Eugenia Testani** - Permit approval to construct a shed within a regulated area at 336 Daniels Farm Road.

Applicant was not present. Mr. Maurer indicated he had spoken with Mr. Testani last week and he was made aware the meeting was scheduled for this evening. This application came to the commission as a violation and this application is to correct that.

**Application 14-42, Anthony F. and Kim Clomiro** - Permit approval to construct a 603 sf single-story addition within a regulated area at 33 Pinewood Trail.

The Chair stated the applicant had requested a continuance. The request had been submitted in writing prior to this meeting. Mr. Maurer indicated the applicant still needs to submit its storm-water management report.

Motion (Picarazzi), Second (Chamberlain) to CONTINUE to the February meeting.

VOTE: Motion CARRIED unanimously.

**Application 14-34, Fircelski Living Trust** - Permit approval to construct a commercial building & associated parking with drainage within a regulated area at 123 Monroe Turnpike.

Mr. Fernando DeAndrade, General & Site Contractor was present on behalf of the applicant. The engineer is not available due to the fact he is in the hospital. Revised plans were submitted for the record and distributed to the commission at this meeting. Mr. Maurer stated one copy of the plans was submitted to his office yesterday late in the afternoon. There is a considerable change to the plan, the original plan had a detention pond. This plan has gullies under the parking lot. The Chair noted the commission would need to continue the application to allow for time to review. The applicant agreed. The wetlands were flagged, some of the flags were faded, there were blue tags were in their place but not numbered.

**Application 14-44, Stacey Brady** - Permit approval to construct an addition to existing dwelling with a 2 car garage underneath and construct block retaining wall within a regulated area at 54 Blue Ridge Drive.

Mr. David Bjorklund, P.E. and president of Spath-Bjorklund Associates with offices in Monroe was present on behalf of the applicant. The lot is predominated 1/3 of the way back by a watercourse which empties into the lake. It is defined on the map as the grey area. The 100-year flood is indicated as the darker line on the plan, the elevation is 180. There is an existing single family home, the applicant has a growing family and would like to add on to the house. Because of the 100-year flood plain they cannot develop in that area and have applied to the ZBA for their setbacks and the garage. They were denied without prejudice by ZBA. 90% of the lot is within the regulated area. On this lot they have no place to go. Because of the denial from ZBA this plan had to be revised. Mr. Bjorklund submitted Alternate #1 at this meeting. The existing garage and driveway will remain. The garage door will be 16' wide, the wall is moved by 2 1/2' up-gradient which makes the wall shorter and reduces the impervious surface. For the most part the garage doors will not be visible to the neighbors. They had considered gravel in place of pavement but it becomes as hard in time and does not allow for infiltration. The applicant did not want to use gravel. The propane tank is no longer needed the house was recently connected to natural gas. The plan does note the tank will be removed. Mr. Bjorklund agreed to the submission of a revised elevation certificate as a condition of approval. Mr. Maurer confirmed for the commission that there are no outstanding issues with regard to his review.

The Chair asked if there was anyone present to speak to the Emilio Ferri applications. Hearing none he explained that the three applications would be continued.

**Application 14-23, 147 Daniels Farm Road, LLC c/o James Fracker** - Permit approval to construct a single family home 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.

Mr. David Bjorklund, P.E. and president of Spath-Bjorklund Associates with offices in Monroe was present on behalf of the applicant. The application is commonly referred to as River's Edge Homes subdivision. The property is on the west side of Daniels Farm Road and has approximately 10 acres of land. It is currently zoned as ½-acre lots. They are proposing to subdivide the property in conformance of the Town's ½-acre zoning regulations. The property currently contains one single-family home and some out buildings. The property is bordered on the western side by the Pequonnock River and associated with the river is a small map of wetlands that runs adjacent to the river. The limit of the 100-year flood area is indicated as a heavier black line on the commissioners' sets of plans. Along the river there are three discharges of storm-water, one in the southwest corner and another in the center of the property. There are 2 systems on the property that will pick up runoff from the lots and will discharge at these points. After having worked with the Town's engineers it was concluded it was better to get them on the west side of the sewer line as proposed to the easterly side because if there ever was an erosion issue that would cause a problem with the line. There is a 24" trunk line that picks up a good portion of the Daniels Farm Road water. This will alleviate the issue of the sewer line being impacted by erosion. Those are the two improvements closest to the river and the wetlands. The other improvements they will do in the 100' setback. There is a large detention basin required by the Town's storm-water management regulation that has been designed to primarily take the water run-off from the road. It will store any increase to the 25-year storm. A portion of it is also to handle water quality. On proposed lot #10 there is a detention and storm-water quality system for each lot. When this plan was submitted in September it was 16-lot plan. After meeting with the Town, Alternate-A was developed with one less home. Alternate-A is significantly different from what was submitted in September. Lots #1 & #2 drain to Daniels Farm Road and the State drainage system, they are proposing this underground, the rest of the site drains towards the river. This is a sub-division; each individual home will go through the permitting process. Things will change with each building of a home. This plan was developed using the worst case scenario to accommodate those potential changes. A plot plan will be developed for each lot and submitted to the Town's engineering department prior to the building permit so the Town can see if the detention system designed for a particular lot will be able to handle what is being built. The drainage on the lots as shown on Sheet 3A has underground gullies for roof drains and the run-off of the proposed driveways. There is a series of open swales to pick up the run-off. This actually reduces the existing run-off in to the neighbors. The Tree Survival plan addresses all trees over 12" within the regulated area. Green indicates the trees to remain and red indicates the trees that will be lost as a result of construction. The average sewer line is 50". They are going to maintain the trees' cover because they understand the importance of the trees to the river. They are proposing to maintain at least a 15' buffer. All trees in the area of the adjoiners north of the property will remain. The trees on the remaining portion of the property will be difficult to keep based on the construction that will take place. There was an extensive report prepared by the Conservation Commission; some were not project-specific but listed goals for the Town with future projects as well. There will be a loss of tree cover due to this project, which could result in additional run-off. They will be managing this with the Town's storm water regulations. Certain

properties in the area will see only 10% of their current run-off and the properties to the south will see only 16%. This represents a significant reduction. The buffer around the site has been addressed and the plans meet all of the DEEP's criteria. The project is not damaging to the river. They have taken steps to reduce any increases of run-off to the site. Storm water quantity and quality are addressed. They have identified where the 100-year flood is. They are not doing anything that would restrict flood flow. The Engineering Dept. has requested that they certify that and they are willing to do so. The Conservation Commission's report also indicates that it may be better to go by the 500-year flood. They did look at the 500-year flood, the nearest proposed home is #10, sheet S-4A shows this very clearly. The elevation in general for the 100-year flood is at elevation BFE 122; house #10 is at the 135 elevation, 10' higher with the closest residence to the 500-year flood. On lot #10 the garage floor is at elevation 136, the plan has a typo and indicates it at 126. There is no house proposed within the 100' regulated area. The property is a ½-acre zone. If they were to make the lots smaller it would not create a sense of community. The site has to conform to the DEEP Permit. They will be filing that permit within 60 days of construction. A phasing plan shows that they will be building the road first.

The commission discussed the fact that only have jurisdiction over lots #10 & #11. The Chair clarified that the commission also oversees overall drainage and the effects of storm water management on the Pequonnock River and the overall property. The next step after wetlands is P&Z. Mr. Maurer indicated that his letter addressed both P&Z issues and wetlands. Mr. Paul Bombero, L.S. was present and indicated the orange ribbons on the trees were to inventory the trees only they did not indicate trees being cut. Mr. Bjorklund indicated that the Town has made it clear it does not want to maintain the drainage system. Per the DEEP General permit only 3 acres can be disturbed at a time, so they will build the road first and then move onto the lots. Only 3 acres can be disturbed at a time. There is a phasing plan that outlines this. The number of trees being removed was included in the drainage calculations. The swale designed to a minimum of the 25-year storm. The Town of Trumbull has chosen the 25-year storm as reasonable to design to. To expand on this the gullies on every lot would have to be reengineered. Mr. William Carboni, P.E. of Spath Bjorklund was present and explained they designed by the 25-year storm and are well in excess of and will most likely withstand the 100-year storm. In each case there will be fewer run-offs than what is there now. The flow and volume from this site will be at the river before the peak flow of the river occurs. The flow of the swale is faster but before it gets to the swale there are the underground detention systems, the overflow enters the swale and will be later than it is now. All of these computations were included in the computation for the whole site. The analysis shows that it is not necessary to have storage for the swale. Mr. Bjorklund explained there is a temporary sedimentation pond in two areas and are required as part of the DEEP permit. The erosion control will be in place. The catch basin is 1' higher than the road. At lot #10 the detention basin is part of that lot. The area is not big enough to make open space. Both lots #9 and #10 are well above the 500-year flood elevation as well as the westerly portion of the berm. The sewer lateral for Lot #10 is shown on Sheet S-4A. The applicant would be in favor of monumentation as a condition of approval. Mr. Maurer indicated plans had been received on the following dates: 12/18/2014, 12/30/14, 12/31/2014, 1/5/2015 and 1/6/2015. Time is needed to review and put together a review letter to Mr. Bjorklund. The Chair announced the application would not be voted on at this meeting and would be carried over to the next month to allow for the time needed to review the recent submissions. The commission reviewed E-1A which shows the silt fencing, (the legend for sheet E-1A is on the detail sheets). Mr. Bjorklund stated that if they can avoid removing a tree by

snaking the swale they will do so. The commission requested the LOD be provided on the plan for next month. Mr. MacKeil asked for a plan which would show which trees will be removed. Mr. Bjorklund agreed. Mr. Bjorklund explained the orange ribbons on the trees on-site 12" in diameter or bigger at breast height, are for the inventory only it does not represent which trees are to be cut. There are no trees in the southeastern section. All trees will remain in the northern section. On lot #10 and by the river bank the trees marked in red will be removed the area will be stabilized and is covered with erosion control methods until stabilized. The existing building onsite will be relocated to lot #1. The swale will be only 2' deep the survival rate of the trees in the area is good. The Town requires 2' deep sumps in each catch basin. The Town will have to clean out the accumulated sand. An easement will be provided. The easement will be on a survey and on the homeowner's deed; it is a standard instrument the Town has used for years. The responsibility of the maintenance of the swale will be depicted in a deed of whose property it is on, the homeowners will serve a joint responsibility for the swale. The swale goes into a pipe, it is a combination of a swale and a pipe network, there shouldn't be specific problems with a pipe system, if something does come up they will have a joint responsibility and as depicted in the homeowners' deeds. The swale on the east side is 25' to the cemetery and on the west side is 15' to the cemetery. The commissioners noted there are many trees close to pipes and believes they may need to be removed due to construction. This will need to be considered. Mr. Bjorklund stated the regulated area runs 100' from the wetlands, the swales and the detention basin will not be a regulated area in the future because it will be a dry basin without wetland soils. If it was to have characteristics of a wet basin that has water in it could be considered regulated area in the future. This was designed to be dry. An engineer independent of Spath Bjorklund and the Town will provide the weekly report. The Town could have final approval of the selection of the independent engineer. The applicant was agreeable to submitting 3 names. The Chair confirmed for the commission that the commission's jurisdiction does not deal with traffic. That is a concern for P&Z. Mr. Bjorklund stated the Town has made it clear that they do not want the lot drainage from lots #10 thru 15 and #'s 6,7,8 & 9 to come along with the Town's. There have been several meetings with the town and that was established at the first meeting.

James McManus, Soil Scientist of J&M Consulting with offices in Newtown was present. In February of last year he delineated the wetlands he went in October 2014 again because the site conditions of last year were difficult. His report was submitted prior this meeting. There is a small network of wetlands associated with the river in a wooded swamp adjacent to the river. Typical wetland vegetation was found. It is an alluvial soil, both well drained and poorly drained. The functional value of the wetlands was determined as moderate. CT DEEP considers the river a Class A-1 which means you can fish and swim in it. As you get lower to the Trumbull Bridgeport line it turns into Class-B water. Per EPA the water is somewhat impaired mainly due to unmitigated run-off from the roads and highways as well as septic systems that are not functioning as they should be. The riparian buffer zones in the vicinity of the subdivision have minimal buffers if any. It is a row trees in one area and other areas there is lawn right to the water's edge. The function and value is moderate. There will be no direct impact to the wetlands. They did look at the short and long term effects. There is an erosion control plan for the short term, during construction, and the long term has storm-water management and quality. There is a treatment train of detention ponds and swales. The bottom and sides of the basins will be seeded with erosion control mix, since this will be a dry basin. The top will be seeded with a wildlife mix. This will make the whole area a meadow that can be maintained by cutting. It will grow back. Part of the mitigation has to do with planting 60 shrubs, Sweet Pepper Bush, Grey

Dogwood, American Hazelnut and Witch Hazel. There will 15 shrubs per species. The team can to the conclusion there will be no short or long term significant impact to the wetlands mainly due to the mitigation planning, the multi tiered drainage system as well as the phased approach. This all helped the water quality coming off site and of what is going in the river. If there is public access they would be walking through people's yards, Mr. McManus could not speak to whether that would be good or bad. The planting plan would come after it is built he wants to know where to plant. The shrubs are for mitigation of the cutting of the trees, the scour pads and the basin itself. It is additional vegetation added to the area for wildlife. The wildlife found there is deer, cosmopolitan birds, squirrels, raccoons and possums. Mr. McManus confirmed for the commission that the seed mix will survive and is a perennial. There will be stabilization of the other areas of disturbance but no mitigation. There will grass planted, he did not create a mitigation plan throughout the site. The commission discussed that DEEP's goal is to improve the water quality through a project such as this. Mr. McManus stated the lack of a mitigation plan will not save the Pequonnock River, the engineer's work of water quality and water management is key. Mr. McManus stated the report of the water quality was taken from EPA's website, the water quality is impaired. The commission agreed that water quality if it can be improved in a reasonable manner than it should be.

The Chair called a recess at 9:27 p.m.

The Chair called the meeting back to order at 9:42 p.m.

### **PUBLIC HEARING:**

The Chair asked that public comment be limited to 3-5 minutes and to keep comment to commission's venue and to please try not to repeat comments. After everyone has spoken people can speak again.

The Chair OPENED the Public Hearing at 9:43 p.m.

There were twelve (12) people present to speak. (Public Comment Attached)

After the public finished speaking the Chair stated the Town Engineer and the Town's Civil Engineer will continue their review and will develop other ideas and suggestions through this process. Mr. Maurer clarified that their review is not a design, it is a comment based on the impact of what the applicant is proposing. It is not intended to be a design tool for the applicant. The Chair stated that if the engineers feel there is a better method they will suggest it and if it is substandard they will also bring that up to the applicant.

Commissioner Chamberlain suggested the following concerns brought up at the public hearing be addressed by the applicant. They are as follows:

- Placement of the detention basement and lots #9 & #10 in the cul-de-sac and any feasible and prudent alternatives that may have been considered with regard to how the lots were laid out and to get them further from the regulated area. Mr. Bjorklund will address this at a later date.
- There is one pipe at the outlet control from the detention basin – Mr. Bjorklund clarified there are 2 pipes and it does conform with DEEP criteria. There is a spillway designed to handle the 100-year, a pipe and an associated weir that meters the flow out of the basin.

Motion (Lauria), Second (Picarazzi) to CONTINUE Application 14-23, 147 Daniels Farm Road, LLC c/o James Fracker to the February meeting.

VOTE: Motion CARRIED unanimously.

**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").

**Application 14-37, Emilio Ferri** – Permit approval to construct a single family house with associated grading and utilities within a regulated area at Parcel A, Sycamore Street.

**Application 14-38, Emilio Ferri** – Permit approval to construct a single family house with associated grading and utilities within a regulated area at Parcel B, Sycamore Street. (Prior December 6, 2005 Approval Expired)

Motion (Lauria), Second (Picarazzi) to CONTINUE Applications 14-28, 14-37 & 14-38 Emilio Ferri to the February meeting.

VOTE: Motion CARRIED unanimously.

Motion (Deecken), Second (MacKeil) to Close Old Business.

VOTE: Motion CARRIED unanimously.

Old Business CLOSED at 11:03 p.m.

**MINUTES:** Motion (Chamberlain), Second (Deecken) to accept the December 2, 2014 meeting minutes as submitted. VOTE: Motion CARRIED

**ELECTION OF OFFICERS:**

Chairman Girouard nominated Kevin Chamberlain as Secretary of the Inland Wetlands & Watercourses Commission, seconded by Commissioner MacKeil, hearing no other nominations the commission voted unanimously.

Chairman Girouard nominated John Lauria as Vice-Chairman of the Inland Wetlands & Watercourses Commission, seconded by Commissioner Deecken, hearing no other nominations the commission voted unanimously.

Commissioner Deecken nominated Richard Girouard as Chairman of the Inland Wetlands & Watercourses Commission, seconded by Commissioner Lauria hearing no other nominations the commission voted unanimously.

**WORK SESSION:**

The Chair OPENED the Work Session at 11:05 p.m.

**Application 14-40, Fausto and Eugenia Testani** - Permit approval to construct a shed within a regulated area at 336 Daniels Farm Road.

Motion (Chamberlain), Second (DeFeo) to approve as submitted subject to the General Conditions as established by the Commission.

VOTE: Motion CARRIED 5-1-1 (AGAINST: Deecken) (ABSTENTION: MacKeil)

**Application 14-42, Anthony F. and Kim Clomiro** - Permit approval to construct a 603 sf single-story addition within a regulated area at 33 Pinewood Trail.

Motion (MacKeil), Second (Chamberlain) to CONTINUE to the February meeting.

VOTE: Motion CARRIED unanimously.

**Application 14-34, Firgelski Living Trust** - Permit approval to construct a commercial building & associated parking with drainage within a regulated area at 123 Monroe Turnpike.

Motion (Deecken), Second (Picarazzi) to CONTINUE to the February meeting.

VOTE: Motion CARRIED unanimously.

**Application 14-44, Stacey Brady** - Permit approval to construct an addition to existing dwelling with a 2 car garage underneath and construct block retaining wall within a regulated area at 54 Blue Ridge Drive.

Motion (Chamberlain), Second (Deecken) to approve as submitted subject to the General Conditions as established by the Commission and the following specific conditions:

1. The approved plan shall be based on Alternate 1 submitted at this meeting.
2. Prior to a building permit sign-off a revised elevation certificate shall be submitted to the Town Engineer.

VOTE: Motion CARRIED unanimously.

**SCHEDULE FIELD INSPECTION(S):**

By unanimous consent the commission agreed to conduct a Field Inspection on the following applications:

- Application 14-47 - John Mandanici, Jr. (Modification of Application 08-01)
- Application 14-48 - Booth Hill Road, LLC. The applicant shall stake the center line of the road at the beginning of the street and approximately every 50' and one in the center of the turnaround.
- Application 14-23 -147 Daniels Farm Road, LLC c/o James Fracker. All trees, per the Tree Survival Plan, that shall be removed within the upland review area as well as the southern and northern boundaries of the property are marked. The color of the ribbon used shall be a different color ribbon than the existing orange ribbons representing the Tree inventory.

The Limit of Disturbance (LOD) needs to be referenced on Application 14-23's plans

By unanimous consent the Commission scheduled the Field Inspection for Thursday, January 22, 2015 leaving the Town Hall at 3:00 p.m.

Respectfully Submitted,

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Margaret D. Mastroni, Clerk

## PUBLIC COMMENT

Application 14-23, 147 Daniels Farm Road, LLC c/o James Fracker  
There were 12 people present to speak.

1. Allen Conillio of 11 Vista Place was present and stated his property adjoins 147 Daniels Farm Road. The sloping at his property is similar to this application's. He has had problems with runoff and has tried to seed it with not great results. His house was built in 2002 and believes the construction of his house did cause problems for his neighbors. This project is designed to the 25-year storm and questioned what would happen if the people do not maintain the basins. Last summer there was a 13" storm in Long Island which could have easily happened here and questioned whether designing to the 25-year storm is enough. Due to trees being cut down more water will go into the river and is concerned that the river will overflow more. Mr. Conillio stated his concerns as follows: Who would be responsible for the maintenance of the pools and if they are not maintained what is their recourse? Mosquitos, West Nile Virus, the lot details and the size of the houses have not been determined, the increase of the impervious surfaces and the runoff from that. Mr. Conillio submitted his comments in written form and is included in application's file.
2. Charles Brady of 11 Tait Road was present and stated he has lived at this residence for 10 years. There have been numerous major storms during that time period and has seen the river rise over the Daniels Farm bridge. The land is stabilized now and is concerned the project will take away and reduce the percolation. The river is in great condition and the fact that the State takes the time to stock the river every year with fish proves that. The Chair clarified for Mr. Brady the proposed number of houses was 16 and is now 15. Mr. Brady voiced his concern for the cemetery and noted that is their history.
3. Joanne Owens was present and stated she and her husband Douglas live at 28 Tait Road. Ms. Owens thanked the staff of the Town of Trumbull's Inland Wetlands Dept. for their patience and appreciated there is a Storm Water Management Policy in place. Many of the homes built in the area would not meet today's regulations and would not have been built which leaves them vulnerable. The 147 Daniels Farm Road property has been protecting their homes and the homes downstream for many years. The proposed project is overbuilt, (2 homes in the flood plain), and the project is too dense. The area begins to flood before the peak river rises. Alternate-A increases the impervious surface. The detention pond could be moved back which would allow the creation of a buffer and would like the commission to consider this. The development is designed for the 25-year storm with basins and pipes. Some of the new homeowners will be responsible for the maintenance system. Trumbull and Bridgeport are expected to have severe storms once every 3 years. It is reasonable to request the developer analyze the impact to ensure there will be no negative impact to the area. They would like the river buffer widened for erosion, move the detention basin further from the river, require an increased flow rate for the property to ensure the safety of downstream structures, require the developer to analyze the downstream impact, ask the engineer for the data on the 24-hour rain fall

rates and to require the submission of alternate plans that would reduce the impact on the wetlands and waterways.

4. John Smollen, Jr. of 34 Tait Road was present and reviewed his report on Application 14-23 in detail with the commission. The report was submitted and is included in the application file.
5. Cindy Altman of 21 Riverbend Road was present and stated their property is adjacent to the Mallette property near proposed lots #6 & #7. They have lived there 24 years and did not have the same knowledge as did her neighbors when they purchased their homes and probably would not have bought there if they did. They have suffered through a lot of flooding. Ten years ago when Mr. Conillio's house was built they experienced an increase in flooding in their backyard. Ms. Altman had submitted a letter with pictures representing the flooding they have had over the course of 5 years prior to this meeting and is included in the application's file. Prior to building Mr. Conillio's home they had very little flooding, her sump ran infrequently and now runs 24-hours a day, every day approximately every 2-3 minutes. They have brought professionals in to remedy the situation and nothing has worked. Ms. Altman is concerned the water will not meet the swale and enter her yard, there are no guarantees that the new homeowners will maintain the swale's on their property. Mr. Fracker guaranteed that there would be no flooding as a result of this development but questioned what recourse she would have if it does. The impervious surface has increased; decreasing the number of houses will not change this. The wildlife in the area is amazing.
6. Kevin Townley of 7 Vista Place was present and indicated that they have lived there for ten years. His question is how it is known how much runoff there will be on land that has no development. If this lot is developed it will be a tragedy, the value of the land is much more to the Town undeveloped. He has never seen runoff from this property, the property is pristine. If the IWWC approves this application the project will get done. This application happened during the holidays, they had to gather all of their information and were able to have a good showing at this meeting and will be here next month as well.
7. Joanna Yang of 40 Riverbend Road is the second owner of her home. She has lived there for 25 years. Her backyard will be the detention pond. There has been erosion of their land alongside the river bank. She does not agree with the applicant's statements that they are following the rules and regulations. These are only the minimum standards. The surrounding properties are vulnerable.
8. Carol Fabian of 131 Daniels Farm Road has lived at her home for 31 years. Mr. Mallette told her of the flood of 1955 and over the years has seen the area flood numerous times. The Mallettes would not want to see his property developed. Ms. Fabian asked what would happen when the new people come and want to cut additional trees down will they be allowed to and also what will happen when they use fertilizers and bug killers. The construction of the Walmart in Monroe will have an impact on this area as well. She has fished there, walked the trails and finds this proposal devastating. She will be looking at a driveway on her bedroom side. There is a spring that runs down Daniels Farm Road

which is dangerous, and questioned how this project will impact the roadway and noted how snow storms will be complicate the situation. Ms. Fabian spoke against the project and noted her dissatisfaction with the fact that Mr. Mallette's nephew will not consider selling the property to the Town.

9. Joan Poarch of 173 Daniels Farm Road was present her property is within 250' of the proposed development. She reviewed and submitted her statement with the commission. The full statement is included in the application file. Ms. Poarch is a retired Trumbull biology teacher. The proposed development poses a danger of flooding to lots#10 & #11 and the existing neighbors. Runoff and soil erosion will be enhanced and will adversely affect water quality with a negative impact on life in and around the river. A pond and two plunge pools is an inadequate substitute for the existing vegetative buffer which is 110' deep along approximately 360' of the river's edge. Leaving this buffer to do its job will present no additional cost to the developer and would be a good compromise. Both banks of the river are necessary, this could be left in place and named in Mr. Mallette's honor.
10. Mr. Brian Donahue of 16 Riverbend Road was present and stated in announcing this meeting First Selectman Herbst had indicated he did not want to have any unintended consequences. Whenever an application is sought for an area of this nature there are unintended consequences. There is a company in Texas that pulls information from all over the country with regard to these applications and advises FEMA. FEMA then notified the homeowners' banks that they need flood insurance. This has happened twice to him. The insurance benefits only cover the unpaid mortgage. His mortgage is down to \$35,000 this does not make sense to have a \$250,000 policy but it is required. He has had to have an engineer survey his property three times since he has owned it. The swales on the southern edge of the property will be managed by the homeowners and it will be murphy's law.
11. Mary Ellen Lemay of 50 Turkey Meadow Road, Chairman of the Conservation Commission was present. The commission gives science based advice to Trumbull regulatory land use boards. The Conservation Commission is made up of 7 commissioners. The commission drafted a 20-page advisory report which was submitted prior to this meeting. The applicant has reviewed and addressed some of the points in the report. Ms. Lemay stated they appreciate the effort and believes this is the first time she has seen an attempt at a tree inventory. There are no less than 10 documents generated in the last few years by our town and people in the region that focus specifically on the Pequonnock River. These documents will be important references for the commission to review before they make a decision on this application. The documents are as listed: 2011 Pequonnock Watershed Base Plan, 2014 Town of Trumbull Plan of Conservation and Development, 2014 Town of Trumbull Storm Water Management Plan, 2014 EPA Flood Resilience Checklist, 2007 Pequonnock River and Twin Brooks Park Flooding Evaluation, National Flood Insurance Programs Community Rating System, University of CT's Watershed Monitoring Program 1995-2005, Trumbull Hazard Community Risk Matrix, and the 2009, 2011, 2014/2015 Water Quality Reports of the Pequonnock River. We have base line water quality reports of the Pequonnock River in the area right by the

Daniels Farm Road Bridge and are continually being tested. They will be able to follow what impact this development will have. Many people have spent years volunteering with regard to the water quality of this watershed so we do not repeat what has been done in the past. Ms. Lemay suggested the Town request an independent and complimentary comprehensive report done by the CT Environmental Review Team in light of the sensitivity of this property, the green documents, the additional time necessary to review the documents submitted, the concern heard at this meeting over the removal of trees. This is a service provided to the State of CT land use boards. If not done by them a report from the Southwest Conservation District which is also complimentary could be requested. These reports are independent and are not at a cost to the Town. They will assist the Town and the developer to make decisions prior to making a decision. The Chair noted that the commission has used them in the past. Ms. Lemay read from page 15 of the Conservation Commission's report: "It is clear that our municipality to begin to create the resiliency we need going forward to prepare for future risks to our environment and our infrastructure, we must begin implementing different standards and practices in our land use. As Trumbull reaches capacity for residential development, the remaining open spaces sacrificed are those critical, resilient habitats that are working overtime to manage the scale of impervious surfaces surrounding them. To ultimately remove these remaining spaces and impact their function without considering a new method for low impact development would be negligent and short sighted in light of the investment and knowledge in the important documents we now have at our disposal. We now understand what we did wrong by building our Town center in a flood plain. We can't continue to make the same mistake when all research-based data now exists to help us make more informed decisions. This application is a very exciting opportunity for Trumbull to work cooperatively with a developer to create a new design and for a new generation of homeowners that understand what "green development" is all about".

12. Camille Degalan an attorney on behalf of the Owens of 28 Tait Road was present and indicated that the revised plan submitted 12/17/14 reduces the number of lots from 16 to 15 but the impervious surface area increases from 76,040' to 81,135'. The road impervious area is reduced a bit but the houses and driveways actually increase substantially from 37,500 to 51,600'. The analysis in the Storm water Management Report with regard to predevelopment v. post-development flows states that the post-development flow to the river will less than the predevelopment flow, however based on her review of the report she believes the runoff will be collected and concentrated in one area and will then go to the river. Atty. Degalan requested that the data on the impact to the watercourse of this increased concentrated outflow in this one area be requested of the applicant v. the dispersed outflow. Atty. Degalan spoke to the ownership of the maintenance facilities all drainage facilities run to lot #10. The Town will maintain the detention basin and the pipe down to the basin; the other two systems will be private systems and will have easements. The storm-water management system into the Pequonnock River will be "neighbor v. neighbor policing" with that model. The financial ware with the neighbor is unknown and there are no assurances that could be dealt with effectively with the neighbor or that another neighbor will stand up and make that neighbor do it. In the minutes of 9/9/2014 it is stated that no homeowner's association is proposed and heard that reiterated at this meeting. Atty. Degalan stated a homeowner's

association would have the ability to enforce necessary repairs, collect fees for repairs of the facilities and provide greater certainty than the homeowner v. homeowner model. She respectfully suggested that the commission consider if that is a feasible and viable alternative. The commission will only have one shot at this, the developer will have multiple. We have seen the change in the plans; we do not know how big the houses will be or the impervious surface sizes. There is a substantial review process in place as each house is built to ensure the drainage will effectively deal with the storm-water however the goal is to determine the overall impact of this project and is not sure the commission has the tools to do that. If we don't know the amount of impervious surface how can we know we have accurate calculations. The piece-meal approval process of the subdivision process needs the appropriate information. Under the CT General Statutes and the commission's regulation the commission has to take into consideration all of the facts and circumstances including feasible and prudent alternatives to the proposed activity which would cause less or no environmental impact to the wetlands and watercourse. They do have a new alternative plan with one less lot. It appears to her that there are obviously other alternate plans available example of such are as follows:

- Fewer lots and less impervious surfaces, this would lessen the potential impact on the watercourse.
- Imposing greater accountability of the maintenance of the facilities.
- Limitations on the fertilizers and chemicals used on the lawns.

Atty. Degalan stated she appreciates the hearing will be held open.