

INLAND WETLANDS AND WATERCOURSES COMMISSION

Town of Trumbull

CONNECTICUT

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TOWN HALL
Trumbull

TELEPHONE
(203) 452-5005



MINUTES
NOVEMBER 1, 2016

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

PRESENT: Chairman Richard Girouard Vice-Chairman John Lauria
Secretary Richard Deecken Carmine DeFeo
Mark MacKeil David Verespy (Alternate)

ABSENT: Ennio DeVita, Andrew Lubin (Alternate), Guido Picarazzi

ALSO

PRESENT: William Maurer, P.E., L.S., Town Attorney Vincent Marino, Tatiana Smotrinskaya, Civil Engineer

The following is a brief summary of the meeting. A complete record is on tape, on file, in the office of the Inland Wetlands and Watercourses Commission located in the Trumbull Town Hall.

PUBLIC HEARING

The Chair OPENED the Public Hearing at 7:05 p.m.

Secretary Deecken read the public hearing notice into the record as follows:

**TRUMBULL INLAND WETLANDS AND WATERCOURSES COMMISSION
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN THAT the Inland Wetlands and Watercourses Commission of the Town of Trumbull will hold a Public Hearing on Tuesday, November 1, 2016 at 7:00 p.m. at the Trumbull Town Hall 5866 Main Street, Trumbull, CT on the following application(s):

Application 16-26, Joseph Sansone-Permit approval for area of road & building construction, utility installation and general grading within a regulated area at 110 Fernwood Road.

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

Dated at Trumbull, Connecticut this 19th day of October, 2016.

Richard H. Girouard, Sr., Chairman

Inland Wetlands and Watercourses Commission of the Town of Trumbull

1st Publication in CT Post 10/19/2016

(Authorization #15-014800 10/19/2016)

2nd Publication in CT Post 10/27/2016

(Authorization #15-014800 10/27/2016)

Robert Wheway, Licensed Professional Engineer and Principal with CodeSpoti & Associates was present to speak on behalf of the Applicant. The property has been in the ownership of the Sansone's since the late 1960's at which time a single family house was constructed on the property. Overall the property contains approximately 2.7 acres of land area. It currently contains a single family home with access to Fernwood Road through a separate 50 foot right of way parcel in which the Sansone's have a 1/3 interest. The western end of the property is also adjacent to a 2nd 50 foot right of way which leads out to Lorma Avenue. Located within that area there are a number of easements; an existing sanitary sewer easement to the Town of Trumbull as well a gas pipeline easement with the Tennessee Gas Company. As a note there is no filling or disturbance for any portion of the floodway in association with the proposed project. In the southeastern portion basically running parallel to Horse Tavern Brook there are inland wetlands which are basically the subject of this application. Entering into the record Mr. Wheway handed out letter dated November 16, 2006 from William Kenny Associates LLC Soil Scientist. Along with a State of CT DEP report. For the record, the Chairman stated that David Verespy would be seated for Guido Picarazzi who is absent. There is no filling of wetlands being proposed as part of this application for proposed development. Mr. Otto Theall, Professional Soil Scientist, presented some of his findings as it related to a wet area observed by the Commission. According to Mr. Theall a lot of the wetlands are on the edges of the stream channel only. Mr. Wheway spoke again. The proposed development consists of 25 new residential units which will be located in 4 separate buildings. The house is proposed to be demolished and removed. Access to the development will be via a 22 foot wide driveway leading from Lorma Ave and extending to a cul de sac north of Unit 25 which is presently within the area of the existing swimming pool. A gated emergency vehicle access connection will also be provided at the end of the driveway near the cul de sac. Routine traffic from the development will not have access to existing driveway. He handed out additional maps. There will be approximately 21800 square feet of combined existing and proposed activity within the 100 foot review area. This represents approximately a 1700 square foot increase from what presently exists today. Their application is asking for an additional 1700 square feet of activity to be located within 100 foot wetland offset area. With regards to storm water, the proposed development will increase the impervious surface area on the property from approximately 0.5 acres to 1.11 acres of hard surface coverage. They will implement a green infrastructure practice for this development with use of porous pavement which is recognized as a best management practice by the EPA and State of CT DEEP. Some benefits include capability providing beneficial groundwater recharge, reduction in total suspended solids from stormwater runoff reduction in total phosphorous and nitrogen as well as in reduction in heavy metals. The open cell structure of the pervious asphalt also provides a medium for bacteria growth to help break down pollutants associated with parked cars over driveway areas. He stated that porous pavement functions in the following manner from storm water management: the rainfall that falls on top of surface is allowed to infiltrate through the porous pavement pulling vertically downward through the choker course and into the stone reservoir system. From there the water would infiltrate into the natural underlying soils. They chose the active mitigation system to get the most value for the stone reservoir under the pavement. In addition to the storm water that's going to fall on top of the pavement it will also collect the runoff from the roof areas. Collecting through the gutter systems and basically discharging those areas in the stone reservoir collectively. The overall system has been designed to provide for a zero increase in both peak rates of runoff and volumes of runoff in accordance with Town of Trumbull storm water management design standards. The Agent stated that not all the pavement is pervious and asked if the driveway aprons are pervious? Mr. Wheway responded that there are certain areas of the driveway that are designed to be conventional asphalt or hard topping and that's basically the main area that is the entrance in directly from Lorma Ave going down to the low point in the roadway

profile. And another short section between Units 17 and 20. The reason they did not opt to go with porous pavement in that area is because of the steeper slopes that are being encountered with the roadway system. The Agent stated there is concern that putting deicing agents on sidewalks and walkways and that could potentially end up in some roadway. The Commission asked if in regards to the stone wall there was any regard or mathematical respect been given to the fact that stone wall may at present be beneficial to the general flow of water toward the wetland and by removing it which is considerable will that be affecting in any way the water flow toward the wetland. Mr. Wheway said that under the previous plan which never came to full application the building configurations were different. Under that one the wall had to be removed. Looking now if the commission feels strongly that they would want the wall to stay it would be something they could take a closer look at. Matt Popp from Environmental Land Solutions spoke to the Commission. The functions provided by the wetlands include ground water discharge water from the surrounding hillside goes out to the lower areas and groundwater discharges into the watercourse. The vegetation within the wetlands provides stabilization of the watercourse banks. Two northeastern units are located about 65 ft from the wetland at its closest point. About 5 foot further than the existing house. The remaining units are approximately 90 feet or greater from the wetland line. There is erosion controls proposed to control erosion during construction. The Commission asked what trees are being proposed to be removed. Mr. Popp said the trees immediately to the west and southwest would be removed but the ones behind house there is no need to remove those. The Agent asked if he was familiar with the cells and that they are requiring an almost 4 foot cut right along the property line. And asked if in his opinion the 4 foot cut at the property line would impact the neighboring trees. Mr. Popp said that if you're within the drip line of the tree it could have some impact and said that if it's a tree that is boarder line it may be recommended that they have an arborist go out and give some recommendations. The Commission inquired that what if the cells cut into the roots of the neighbor's property. Those trees are not owned by Mrs. Sansone but by someone else and by no fault of their own these trees may be damaged and it is very much a wetland issue because if those trees are protecting the 100 foot area and what's below it and having to do with the water runoff that's in that area and if they are proposing something that could damage trees within a regulated area whether or not on their property it's still in a regulated area. Mr. Wheway although not planning on it spoke about the planting plan and answered some questions from the Commission. He then handed out 4 maps of alternate plans that were denied. For the record he entered a denial letter. The Commission Secretary read the letter to Joe Sansone dated November 1, 2016 from the Engineering Department. The Chairman opened the public comment section and the following spoke:

Albert Palatiello – 106 Fernwood Road – against – feels the applicant has not presented a true and accurate depiction of the private right of way and also believes there is a preservation restriction. He's concerned about the wetlands and the water runoff.

Seth Sheperd – 114 Fernwood Road – against – concerned about the excavation, the grading and that there's no maintenance plan and believes it is a nightmare for drainage. He asked to go on record as saying that the previous alternates the applicant showed tonight that those were turned down by ZBA because they did not meet the requirement for hardship.

William Selski – 8 Harwood Terrace – against – concerned about maintenance factor of porous pavement and the forested canopy in the upland area in regards to radiant heating

Joseph Gaspurrini – 73 Pondview Ave – against – concerned for the wildlife and the health of the ecosystem if the project goes through

Ron Denny Jr – 134 Fernwood Road – against – concerned that the wetlands feeds into LI Sound and it will be impacted forever as well as the local wetlands and the neighborhood

Hannis (daughter) – 41 Lorma Ave – against – mother would be devastated – animals are already coming to her property for refuge from truck being driven by Mr. Sansone.

Diane Palatiello – 106 Fernwood Road – against – filtration system would take up 80% filtration of this porous asphalt according to what she read in best practices-what happens to the other 20%?

August Serra – 107 Fernwood Road – against – concerned about the runoff and what they have seen over the past years in relation to water issues

Ryan O’Keefe – 60 Evelyn Street – against – a lot of uncertainties and assumptions – concerned about the immediate wetlands as well as the ones upstream and downstream

JC Carley – 100 Fernwood Road – against – concerned about trees that may be cut that might be on her property and the backup of water

Tara Coen – 53 Lorma Ave – not present at this time

All residents spoke who signed up.

Mr. Wheway requested that Item #25 on the letter that states it is recommended to obtain a 3rd party review for the project plan and that in light of the fact that the public hearing has been opened they are under a time constraint to grant extensions and if the third party review is something that the Commission is going to be looking for he would rather address that now than let it go another meeting because the third party reviews do not happen overnight. He would like it done sooner than later. The Commission unanimously agreed.

The Commission asked about trash disposal and snow. Mr. Wheway believes the trash pick-up is individual units and will be private. A markup plan can be provided indicating snow stockpiling. The stockpiles of soil will get relocated as needed as they develop with the individual units. In regards to the sediment basin that is a similar set up. There may need to be multiple sediment basins and those would move during the course of construction. The Commission asked that the limit of disturbance be shown on all the plans and there should be no additional tree cutting or disturbance beyond that. The Commission asked if calculations were made for the amount of excavation soil removed and brought in from the site. Mr. Wheway said that not for the entire site. They did calculations for the porous pavement system. The Commission ask for the calculations for the rest of the site. The Town Attorney commented that the Exhibit which was the 4 page alternative historical document is not relevant to the application as pending before the Commission. It should be stricken from record or he would instruct the Commission not to consider this as part of their deliberations. The Commission asked that according to the regulations it does state that there should be alternate considerations so are there? Mr. Wheway said that originally they had the plan for 26 units and they had other alternates with 2 lot subdivision and 3 lot subdivisions before. The Commission said that with this type of a system with the residential property were there other considerations as to why 25? According to Mr. Wheway during the site development process that is what the site can yield. Based on the layout of the property, size of the property, proximity to the wetlands. A conversation regarding alternate plans was held again between Mr. Wheway and the Town Attorney and Commission. The Commission asked for a phasing plan for the next meeting.

Motion (Lauria) seconded (Deecken) to CONTINUE application to December meeting.

VOTE to CONTINUE CARRIED unanimously.

NEW BUSINESS

The Chair opened NEW Business at 9:42 p.m.

Application 16-30

St. Josephs High School

Permit approval to restore the wetland pond, create new wetland adjacent to existing drainage channel, create flood storage and runoff detention area. Remove existing house, driveway and walk pavement. Construct new parking and walk pavement within a regulated area at 2320-2340-2328 Huntington Turnpike.

Earl Goven, Landscape Architect was present to speak to the application. St. Josephs has purchased the 2 properties that are situated between the entry drive and the exit drive on Huntington Turnpike. The proposed plan is to demolish the white house, remove the pavement associated with the white house and utilize the brown house as an administration building for the school. In addition to removing the white house and its ancillary pavements they are also going to take out the driveway coming from Huntington Turnpike leading to the brown house creating a new parking lot on the site of the white house. While looking at the site they noticed that there's an existing storm drainage channel which runs from the north to the south which was at one time maybe created by the homeowners. It's a very narrow channel about 2 feet wide maybe 4 feet high stone on both sides and does not have a function due to the fact that its silted in. The concept is to go clean out the once created man made pond that's at the outfall of the north headwall and create wetlands and create flood storage on the house side of that channel leaving the road side channel as it exists. The idea is to take out the grade create a floodplain, create wetlands, increase wetlands by almost 2000 sq feet, to create flood storage, create a buffer, remove 10000 sq ft of lawn that's up against the wetlands and create a natural buffer between the house and the proposed and existing wetlands. They have developed a demolition plan, soil erosion. The new parking lot is in the location of the white house. About 16000 sq ft of impervious surface. About a 9000 sq ft gain from what is there now. The stormwater report that was submitted does support the fact that the grading and the regrading of the floodplain will be suitable and will be able to retain the 50 year storm from the increase in impervious surface as well as the upland areas that are contributing to this site. The Agent asked how much material would be taken out. Mr. Goven said about 1600 cubic yards of cut and there is 1600 cubic yards of fill. Some of the material coming out may not be suitable for use under the parking so they intend to use that in other places. The Agent asked if a portion of this would be dedicated to educational purposes. They are intending to use the pond and the area adjacent to the pond for outdoor classroom. There is a little dock there now that will be coming out and at most a wood chip path that will lead to an observation area. The Commission asked about the observation deck. Mr. Goven said there is a little deck that was on once on the edge of the pond that is in disrepair so the goal is to remove it as part of the plan.

Motion (Deecken), seconded (MacKeil) to CLOSE New Business VOTE: Motion CARRIED unanimously.
New Business Closed at 9:55 p.m.

OLD BUSINESS

The Chair opened OLD Business at 9:56 p.m.

Application 16-19	Megan & Ante Kolanovic	Permit approval to cut trees, level off property, plant new grass and trees within a regulated area at 22 Stowe Place.
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Mr. Kenny presented an overview of the proposal to rectify some work that has already occurred on the property and formalize an approval for that. They are looking to create a lawn area and to restore a 25 foot buffer off an intermittent watercourse. The clearing that occurred over a year ago is self-restoring itself. Sprouts are coming out of the trunks that exist and there's 100s of tree seedlings. The Agent said most of the disturbance was to the north of the house.

Application 16-25	Tomasz Miskowiak	Permit approval to fix retaining walls, regrade a portion of backyard, remove two dead trees, five leaning trees and plant shrubs and grass within a regulated area at 63 Tashua Road.
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Mr. Tomasz Miskowiak was present. He confirmed he had just received a letter dated November 1, 2016 from William Maurer with comments regarding his application. The Chairman read the letter.

Motion (Lauria) seconded (Deecken) to CONTINUE application to December meeting.
VOTE to CONTINUE CARRIED unanimously.

Application 16-27	Oakview Realty Acquisitions LLC & Trumbull Developers LLC	Permit approval for site disturbance, grading and construction activities for development of a 214 unit multi-family community within a regulated area at 100 Oakview Drive.
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The Chairman stated for the record that one of the developers Michael Cerreta used to be his neighbor and that he has had no business dealings with him. Mr. Verespy recused himself from this application.

John Knuff was present to speak. He stated that last month the Commission received the application and at the time they had offered to reduce the number of units from 214 to 202 units and plans that depict those 202 units have been submitted. They do not propose any work within wetlands or watercourse. It is limited to the upland review area. The Chairman read a letter from Frank Smeriglio and William Maurer, Town of Trumbull dated November 1, 2016 that stated the Engineering Department had no comments at this time but are anticipated and it is recommended the application be continued until full review has been completed. Mr. O'Leary stated that by reducing the building size they are able to push the entire development to the west and minimize the impact along the wetlands. He said when they developed the Canon office building they incorporated a storm water system that had no bmp's whatsoever. It collected stormwater from the parking areas and the buildings and discharged it into the wetlands. Their goal is to reduce some of the runoff and try to get it closer to its original state. They have incorporated a series and combinations of underground detention systems and raingardens on site wherever possible. Stormwater will be running down the site collected into the detention areas prior to going into those areas it will be treated by mechanical water quality unit. They are offering to go into the wetlands and clean up the silt, literious materials that have been deposited by the stormwater and remove those offsite. They will go in and take out the invasive species and replant with natural vegetation and grasses. Mr. O'Leary pointed out that the seal on the plans is incorrect but has his correct license number. He will sign and seal with the appropriate seal next time he resubmits. The Commission asked about the phasing plan for the construction. Mr. O'Leary said they do not have one but if the Commission would like one as part of the soil erosion control to generally demonstrate where they are going to begin they will be more than happy to provide. The Commission asked about the trees that are currently in the parking area. Mr. O'Leary said unfortunately within the parking area itself and immediately on the perimeter the trees are nice and tall but are also half dead so there is not an opportunity to save those. The Commission asked about the retaining walls on the plans. Mr. O'Leary said with the revised plan it is significantly less retaining wall. The Commission asked for clarification on what would be stored in the maintenance building. Mr. O'Leary would get the information for the next meeting. The Agent asked about the compactor location which is right near the wetlands. Is it hydraulic or electric? Is there containments that could flow into the wetlands being it is right near the upland review area near a raingarden? Is there an alternate location that would work? Mr. O'Leary said by the next meeting he will have a solution. Either relocated or design a catchment area around it. The Commission asked for clarity on what exactly the maintenance building will be storing.

Motion (Lauria) seconded (Deecken) to CONTINUE application to December meeting.
VOTE to CONTINUE CARRIED unanimously.

Application 16-28

Thomas & Sheelah Brown

Permit approval for proposed dwelling, deck and grading within a regulated area at 42 Indian Road.

Mr. Jim Fracker was present to speak. After the meeting last month they took some comments from the Commissioners and added a 5 foot buffer along the line of disturbance. They showed the stockpile up front and did test holes. The drainage report was given to the Engineering Dept today who had no time to look it over. The Commission asked if they could see some shrubs in the mulch buffer. The Commission asked the Town Attorney for guidance on the signature on the application where Mr. Fracker signed it as the owner with no letter from the owner. The Town Attorney stated that it is deficient.

Motion (Lauria) seconded (MacKeil) to CONTINUE application to December meeting.
VOTE to CONTINUE CARRIED 5-1 (ABSTAINED:Deecken).

Motion (Deecken), seconded (MacKeil) to CLOSE Old Business VOTE: Motion CARRIED unanimously. Old Business Closed at 11:00 p.m.

MINUTES

By unanimous consent the Commission VOTED to ACCEPT the October 4, 2016 meeting minutes as submitted.

Application 16-19

Megan & Ante Kolanovic

Permit approval to cut trees, level off property, plant new grass and trees within a regulated area at 22 Stowe Place.

Motion (Deecken) seconded (MacKeil) to APPROVE as submitted subject to the general conditions as established by the Commission and the following specific conditions:

1. All invasive plants in regulated area shall be removed.
2. All plants proposed in regulated area shall be non-invasive plants native to North America.
3. Plants, trees and other vegetation that are removed shall not be buried on site.
4. Every effort shall be made to preserve existing trees on site.
5. The applicant shall immediately inform the Town Engineer and/or his Agent of problems involving sedimentation, erosion, downstream siltation, or any unexpected adverse impacts, which develop in the course, or are caused by, the work.
6. Absolutely no material, man-made or otherwise, including dead and/or removed vegetation, stumps, or other debris, shall be deposited or buried in any wetland, watercourse, or regulated area, unless explicitly authorized by the Inland Wetlands and Watercourses Commission.

VOTE to APPROVE CARRIED unanimously.

SCHEDULE FIELD INSPECTION(S)

By unanimous consent the Inland Wetlands Watercourses Commission scheduled field inspections for the following on Tuesday, November 15, 2016 leaving Town Hall at 3:00 p.m.

Application 16-30

St. Joseph High School

A discussion was held regarding site walk rules. Site walks with more than 1 individual must be noticed and minutes must be submitted for all walks.

By unanimous consent the Inland Wetlands Watercourses Commission adjourned at 11:11 p.m.

Respectfully Submitted, _____

Colleen Lombardo
Clerk