



INLAND WETLANDS AND WATERCOURSES COMMISSION
MINUTES
October 4, 2011

MEMBERS PRESENT: Richard Girouard, Chairman
Arlyne Fox, Vice Chairman
John Lauria, Secretary
Carmin DeFeo
Lars Jorgensen
Frank Marcus
Kevin Chamberlain, Alternate (voting)

MEMBERS ABSENT: David Lucas

ALSO PRESENT: Stephen M. Savarese, PE, LS, Town Engineer, IWWC Agent

The Chair called the meeting order at 7:30 p.m.

All present joined in the Pledge of Allegiance led by Commissioner Fox.

Mr. Lauria read the Public Hearing notice into the record as follows:

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, October 4, 2011, at 7:30 p.m. in the Trumbull Town Hall Courtroom, 5866 Main Street, Trumbull, Connecticut, on the following applications:

Application 11-24, Sophia Nemergut - Permit approval to construct a single family residential home with associated site improvements in a regulated upland area at Baldwin Avenue.

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

Dated at Trumbull, Connecticut this 22nd day of September, 2011.

Richard H. Girouard, Sr., Chairman
Inland Wetlands and Watercourses Commission of the Town of Trumbull

The Chair opened the Public Hearing at 7:31 p.m.

Application, 11-24 Sophia Nemergut - Permit approval to construct a single family residential home with associated site improvements in a regulated upland area at Baldwin Avenue.

David Bjorklund, President of Spath Bjorklund Associates with offices in Monroe, professional engineer registered in the state of Connecticut was present representing the applicant Sophia Nemergut. Mr. Bjorklund reviewed the location map, highlighted in yellow are the 1964 wetlands. This lot is immediately adjacent to RT. 8, as a result of RT. 8's relocation, the lot was filled. The front of the lot is all fill; the wetlands were left undisturbed in the rear of the lot. It is clear what is upland, what is fill and what are the remaining wetlands area. The proposal is to construct a single family home with the associated improvements, such as the driveway and yard improvements. As requested by the commission at the previous meeting, the LOD had been better defined. It brings the home into the area as shown on the revised 09-12-11 map. A fence has been added to the top of the embankment. The best way to develop this lot is to seek a reduction in the front setback from ZBA as was previously approved at Twin Circle and Oriole Circle. If the setback were to stay 50' from the street the proposed site plan would be tight, if someone were to build deck the house would be on top of the wetlands. Alternate plan #1 was submitted, which proposes a 35' setback. The 35' street setback gives the residence a slight back yard. Because of the LOD there is 10' to the wetlands at one point and down to a couple of feet at another point; there is a proposed 4' high chain link fence. In order for this plan to work the commission would have to indicate for the ZBA that the alternate plan #1 is the chosen plan. Other incorporations along with the fence areas follows:

- Delineation of the LOD to leave an area undeveloped between Merritt Blvd and the home, the buffer area is important due to the morning and afternoon traffic on Merritt Blvd.
- Normal storm water functions, storing the run off from the roof leaders and galleys and a rain garden located in the corner of the lot.

Mr. Bjorklund indicated that the distance from the deck to the wetlands would be seven (7) feet, from the edge of the house sixteen (16) feet and from the garage fourteen (14) feet. Test pits have been dug. The fill on this lot was mixed fill not the large slabs of concrete as found on the two (2) other sites previously developed. The ground water is at the level of the wetland. This lot does not present the challenges that Twin Circle did. A fence had not been considered to buffer the traffic noise, what they have considered is to leave a 40' undeveloped area between the LOD and Merritt Blvd. RT. 8. There are homes that are closer to RT. 8. Mr. Bjorklund agreed to monument the wetlands. Moving the deck to the side of the house would not work with the style of the house, the owner did take a lot of time agonizing over the house and what would fit the lot, many were too wide. Mr. Bjorklund stated they would be in agreement to remove the invasive species and debris on the property as part of the approval. Mr. Bjorklund stated that at flags 8 & 9 there is a sink hole; the culvert is an outlet that the state had provided and is an oversized pipe.

There was no one present from the public to speak to this application.

Moved by Mr. Lauria, seconded by Mr. Chamberlain to close the Public Hearing. The Public Hearing closed at 7:47 p.m.

REGULAR MEETING

The Chair opened New Business at 7:48 p.m.

NEW BUSINESS

Application 11-29, ABC Sign Corp/Larry Bourque - Permit approval to install a directional within a regulated area at 20 Trefoil Drive.

Larry Bourque of the ABC Sign Corporation was present. Mr. Bourque indicated that the YMCA has asked them to provide new signage for the Trumbull YMCA. ABC Sign Corp will provide directional signage for the two (2) driveways. There are two (2) directional signs proposed, the left directional is within 100' of a pond. Mr. Bourque explained that installation of the directional signs would involve digging a 12" wide hole approximately 3' deep, the base of the sign would be made of an aluminum post and would not be lit. There has always been this amount of parking available, but the public was not aware of it. The main identification sign is #2; there are two (2) other signs which are the small directional signs at location #1 and #3. Location #3 is the one which is within 100' of the pond.

Motion made (Lauria) seconded (Jorgensen) to RECEIVE Application 11-29 (ABC Sign Corp/Larry Bourque).
VOTE: MOTION CARRIED UNANIMOUSLY.

Application 11-30, John P. Ryan - Permit approval to install a back-up generator within in a regulated area at 19 Red Maple Lane.

Mr. John P. Ryan of St. Vincents was present and indicated that they would like to install a 20k generator at Red Maple Lane for their group home. The group home is for adult residents with special needs. The generator is approximately 70-80 amps and will be in an enclosure, the sound level will be much less than a generator in the open. Its fuel source will be propane, two (2) 100 lb. above ground tanks located at the corner of the house towards the stream, there is a gas line pipe to the generator. To fill the tanks the gas company will drive down to the back of the house via the driveway to approximately 50' away from the tanks and will then roll out a hose.

Motion made (Fox) seconded (Marcus) to RECEIVE Application 11-30 (John P. Ryan).
VOTE: MOTION CARRIED UNANIMOUSLY.

Application 11-31, Jennifer LaStrange - Permit approval to construct a single family home, fill wetland soils, discharge of footing drains and disturbance of an area within a regulated area at Lot 5, West Mischa Road.

Mr. James Swift a licensed landscape architect and civil engineer with an office in Shelton, CT was present representing the applicant. Mr. Swift indicated that the lot is a one acre lot and has approximately 80% wetlands on the lot. There are no significant dry areas. The house has been positioned to minimize the inland impact. The location is in the front right portion of the site. The proposed wetland areas to fill are underneath a portion of the house and the backyard. The proposed house is a modest 2-story colonial with a detached garage. They are following the storm water management practices of the Town. There is an infiltration system which brings all of the pre and post run-off rates into conformance. They are requesting permission to fill 4,850 sf of the wetland area. The alternate plan includes a request for a ZBA waiver. The alternate plan moves the house up approximately 20'. This plan reduces the wetland disturbance significantly to 2,650 sf. The difference between the two (2) plans is not significant. There is no difference in the storm water management activities proposed. The proposed filling data includes the yard. They are not over the threshold of meeting the army corp., and are open to suggestions for the mitigation of the wetlands. The wetlands are in reasonably good shape, there is some trash; the surrounding area has been built up for a while. If the commission sees invasive species they would offer that type of mitigation. The only area to create a wetland area would be in the back of the property and to get there they would have to cross wetlands, the other location would be in the front but would be ineffective. The alternate plan has the footprint of the house approximately half to a little less in wetlands; the other plan has $\frac{3}{4}$ of the house in the wetlands. The owners do want to include a garage, they had looked at basement garage, but this plan is the best way to treat the storm water, making sure of the pre and post run off rates. The note on the plan indicates that the plan is based on an A-2 drawing; the survey located the flags for that particular wetland source. The

calculations of the storm water management as designed with pure infiltration indicated they are not depending on the bathtub drain effect. The outlet is to prevent overflow. Not having an overflow pipe that would be cause for concern. The overflow area is included in the upland calculation and there will be a rain garden in that area. The drain pipe on the plan that goes off into the neighbor's property is a typo. The original drawing shows that line in the correct spot. The basement of the house was built high enough to drain. The Town Engineer stated that the erosion control and construction sequences should be submitted. Mr. Swift indicated that they could be provided. The garage is a two-car garage; the lip of the driveway is modest. The hammerhead is located in an area of disturbance; he typically puts them in so that people do not have to back out into the street; in the interest of reducing pavement area that could be deleted from the plan. The wetland flag numbers are indicated on the plan. The house could be staked. The garage counts as a setback if the garage were put to the side it would start to effect the wetlands between flags #11 and #10. Referring to the alternate plan, Mr. Swift stated that they could possible request a slightly larger variance on the garage part of the house if the garage were to project forward on the house. The house is a 2-story colonial of modest size. They will follow conditions this commission requests including monumentation. There is a stone wall on the west side of the property line the neighbors will get a little less water because the water will be intercepted from the roof and will make sure that the stone wall will stay intact. The soil scientist's report is filed with the application; the soils scientist's name is Ms. Rabinowitz of Con Soil. The report had been done within the last two (2) months. The commission requested additional construction details.

Motion made (Fox) seconded (Marcus) to RECEIVE Application 11-31 (Jennifer LaStrange).
VOTE: MOTION CARRIED UNANIMOUSLY.

Application 11-32, Nicholas Karayeanes - Permit approval to reconstruct a dwelling on an existing foundation within a regulated area at 22 Dogwood Lane.

Nicholas Karayeanes owner of 22 Dogwood Lane was present and indicated that they had a fire and explosion on June 23, 2007, there was a difference of opinion with the insurance company as to whether the house could be repaired or rebuilt. The arbitration process took approximately 3½ years. The applicant prevailed over the insurance company. The structural engineer had determined that the house could be prepared but every joint would have to be inspected because the house was lifted 4-5" off of its foundation. The house has been demolished, there is an existing foundation, the foundation is structurally sound. What used to be the porch is the proposed addition otherwise they are staying within the original footprint. There is a 5' x 20' and a 2' x 30' porch. The house was built in 1978, propane was the source of the explosion, they had oil previously with a gas dryer and fireplace. The driveway is currently paved.

Mr. David Briganti, Mr. Karayeanes' neighbor was present and indicated that he was going to help Mr. Karayeanes construct the home. Mr. Briganti stated they will do whatever is requested by the commission with regard to the storm water. The septic has not been running for the last four (4) years so everything that was in it should be out. Mr. Karayeanes stated that the existing septic system was an engineered system, 135' of 4 x 4 holding tanks; it is not your typical septic system. Mr. Briganti confirmed that the front addition, the front porch and the rebuilding of the box is within the 100' setback. He is not sure where the new sewer lateral will be, the sewer lateral comes off where the back deck is then goes to the septic across Mr. Karayeanes and across his yard to tie in. They are in the process of putting an easement in, this way Mr. Karayeanes does not have to have a macerator and a forced main, this will save the Town approximately \$30,000. Mr. Karayeanes added that it would not need to go under the stream or the pond, resulting in no disturbance of that stream. Mr. Karayeanes confirmed that only the foundation slab and the garage slab, driveway and landscaping (grass) is left on site.

Motion made (Fox) seconded (Jorgensen) to RECEIVE Application 11-32 (Nicholas Karayeanes).

VOTE: MOTION CARRIED UNANIMOUSLY.

Application 11-33, William Pond - Permit approval for the installation of 14kw generator on the east side of the residence within a regulated area at 6 Whippoorwill Lane.

Mr. William Pond an electrical contractor licensed in the state of CT was present and indicated that he is applying for a permit to install a generator at his neighbor's property. It is a 14,000 watt Generac natural gas powered steel, sound attenuating enclosure. Mr. Pond and Mr. Savarese confirmed that 62' is the closest disturbance of land to the wetlands. Mr. Savarese stated this particular application is an established lawn. Mr. Pond stated that the generator will be located in a mulched area on the east side of the house near an existing air conditioning compressor. The natural gas meter is in the same general vicinity. This project will adhere to the Town required clearances to the windows. This is the only location it could be, it is on the far side of the house. He is handling the installation and the electrical and is not sure what the owner's plan for the landscaping may be. The generator is a sound attenuated enclosure, it does exercise itself once a week but at half of its full rpm. It is a quiet unit it includes insulation as well.

Motion made (Fox) seconded (Marcus) to RECEIVE Application 11-33 (William Pond).

VOTE: MOTION CARRIED UNANIMOUSLY.

Application 11-34, United Illuminating Co. - Permit approval for the installation of new utility poles and overhead wires to service the Merritt Blvd. Corporate Park within a regulated area at 101 Merritt Blvd.

Mr. Joseph Pereira of Pereira Engineering a licensed engineer, managing member and professional engineer with offices located at 1 Enterprise Drive in Shelton, CT. representing the United Illuminating Company was present. The site borders the Trumbull- Stratford line and includes 111 Merritt Blvd. They are bringing new utility service off of Huntington Road, north of the Boulevard and are connecting to an existing pole to bring the service from Huntington Road through some DOT properties (all by aerial pole connections). On the Stratford side there will be an access driveway and are concurrently looking to file in Stratford. When it crosses into Trumbull it is all aerial and would come into 101 Merritt Boulevard. The purpose is to service Trumbull's corporate area. A copy of the notification letter sent to Stratford was submitted for the record. The proposal represents minimal impact; all they are doing is a temporary disturbance while installing the poles. Mr. Pereira reviewed the site plan with commission noting that there are size (6) lots that are currently owned by DOT. U. I. is negotiating with DOT for purchase of those lots. Mr. Pereira reviewed the site plan with the commissioners explaining on the Trumbull side there is no direct impact to the wetlands. The poles are wooden poles; and are standard service. There are nine (9) poles none of them in wetlands in Trumbull. There is one tree which will be disturbed by the access road on the Stratford side, none on the Trumbull side. Mr. Pereira orientated the Commission as to where the site plan is in relation to Kohl's. The poles do not have lights this is for electrical service to power the Merritt Boulevard area.

Motion made (Fox) seconded (Chamberlain) to RECEIVE Application 11-34 (United Illuminating Co.)

VOTE: MOTION CARRIED UNANIMOUSLY.

Application 11-35, Riccio Landscaping - Permit approval to remove 6' x 8'x 6" concrete slabs covering dry stack stone wall used as a covert to allow water to pass, clean out area within two (2) stone walls, re-grade area closest to the road to divert the water, restore all areas from excavation with topsoil, seed and hay within a regulated area at 355 Whitney Avenue.

Mr. Dan Riccio of Riccio Landscaping was present. Mr. Riccio stated there was a make shift culvert, a dry stack stone wall covered with concrete slabs with a lawn area over the top that needed to be cleaned out. The entrance was covered with silt, the water was coming up an onto the 355 Whitney Avenue property towards the street. There was a blockage in the culvert; concrete slabs were removed. Mr. Riccio confirmed for the commission that he had taken a covered culvert opened it up and turned it into an open channel. The work was an emergency situation and had asked the Town Engineer for his permission, originally they were just to clean the culvert out, when that did not work, he then returned to the Town Hall for input. Mr. Savarese stated that the contractor was on-site to clear an obstruction of the stream. Mr. Riccio reported that a tire was found in the culvert and there was a large amount of silt built up due to the tire. It is now stabilized, there has been a rain storm or two since and there have been no problems to date. This work would not impact the neighbors; since the culvert has been uncovered the water continues on the owner's property down into a large 36" opening and will be kept as an open channel. The work has been completed.

Motion made (Fox) seconded (DeFeo) to RECEIVE Application 11-35 (Riccio Landscaping).
VOTE: MOTION CARRIED UNANIMOUSLY.

Application 11-38, Michael and Tracy Lear - Permit approval to remove trees A & B, stump grinding, addition of topsoil to grade, planting grass seed, clearing of most trees in area C to improve air flow around house and property, grading with topsoil, seeding as needed for lawn within a regulated area at 25 Lynnbrook Road.

Michael Lear of 25 Lynnbrook Road was present. Mr. Lear is seeking permission to take down trees on the property. Mr. Lear referred to the 8.5" x 11" photo explaining that the property is significantly wooded. Mr. Lear is working with an arborist, the site plan delineates the regulated area and is requesting to increase the lawn area by removing trees A & B (larger trees) and selectively removing other smaller trees and saplings, top soil would be added, smoothed to grade with the property to establish more of a lawn. This will enhance the property by opening up the house and giving it more of a street presence. The applicant indicated that he would not be working beyond the top of the slope and will be clearing in areas A, B, & C. Area C's grade is consistent with the property line, the grade changes significantly as it goes down to the stream. There is still a fair amount of wetlands beyond his property line and will not be encroaching upon the stream area. There will be a large portion of the sapling growth removed in area C. The larger trees in that area will be kept unless they are dying or sick. There are a number of dying Canadian Hemlocks on the property at the right corner of the color photograph. Tree A is decaying and is close to the house, 20-30% of the trees being removed are the mature trees the remainder of the trees removed would be saplings. 70% of area C is saplings. In effect they are trying to raise the canopy towards the back of the property. Mr. Lear stated that he would like to be able to add a swing set for his children. Because of the tree growth the property never dries out. The applicant has only lived in the residence for a month. The property does not run down to the stream, the rear property line is tight to the house.

Motion made (Fox) seconded (Marcus) to Receive Application 11-38 (Michael and Tracy Lear).
VOTE: MOTION CARRIED UNANIMOUSLY.

Application 11-39, George Goldman - Permit approval to construct a three-season porch in a regulated area at 22 Midland Road.

Mr. George Goldman of 22 Midland Road was present and indicated that he would like to establish a three season porch attached to the existing structure. Its location is at the interior of the existing in-ground pool area and well within the garage area that extends further. They will only excavate for the footings, disturbance will be minimal and will not be disturbing the wetlands, no trees are being removed, the landscaping is not being changed and there is no plumbing being installed in the porch. The brook is intermittent, half of the year it is dry and a couple

of months it is wet. His family has been on the property since 1972, the brook has never come close to exceeding its banks. The size of the proposed porch is 12' x 15'; the apron around the existing pool is made of pavers, some of which will be lifted for the footings. Mr. Goldman stated that the stock pile on the right of the house could be relocated to a different area if the commission requested it.

Motion made (Fox) seconded (Lauria) to RECEIVE Application 11-39 (George Goldman).
VOTE: MOTION CARRIED UNANIMOUSLY.

Motion made (Fox) seconded (DeFeo) to CLOSE New Business.
VOTE: MOTION CARRIED UNANIMOUSLY.
New Business Closed at 8:59 p.m.

The Chair called a recess at 9:00 p.m.
The Chair called the meeting back to order at 9:10 p.m.

The Chair announced that the next scheduled meeting was on November 8, which is Election Day, therefore the meeting date has been changed to Tuesday, November 1, 2011.

MINUTES

Motion made (Lauria) seconded (Chamberlain) to ACCEPT the September 6, 2011 IWWC meeting minutes as submitted. VOTE: MOTION CARRIED UNANIMOUSLY.

FIELD INSPECTION MINUTES

Motion made (Chamberlain) seconded (Fox) to accept the September 27, 2011 Field Inspection minutes.
VOTE: MOTION CARRIED UNANIMOUSLY.

IWWC AGENT REPORT:

IWWC Agent Approvals are as follows:

11-26, Katehrine Musto - Permit approval to replace a damaged deck within a regulated area at 15 Maymont Lane, site "49".

Mr. Savarese explained that the damaged deck was approximately 85' to the wetlands the applicant only changed the deck top and the banisters.

11-27 Cook's Circle LLC - Permit approval to plant grass and construct a single family residence (as per plan) in a regulated area at 11 Cook Circle.

The IWWC Chairman and Mr. Savarese walked the site with the applicant and came up with a reasonable agreement with the applicant, which did turn out well.

11-28 Town of Trumbull - Permit approval to perform drainage improvements in a regulated area at 31 Kenwood Lane. Mr. Savarese explained that the Town of Trumbull on Kenwood Lane performed work to clean up the area and restore an easement, the work has been completed.

WORK SESSION

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

Motion made (Lauria) seconded (Marcus) to **APPROVE Application 11-24** (Sophia Nemergut) as submitted, subject to the General Conditions as established by the Commission and the following specific conditions:

- Alternate plan #1
- Monument wetlands (above ground).

VOTE: Motion CARRIED unanimously.

Motion made (Fox) seconded (Jorgensen) to **APPROVE Application 11-29** (ABC Sign Corp/Larry Bourque) as submitted, subject to the General Conditions as established by the Commission.

VOTE: Motion CARRIED unanimously.

Motion made (Fox) seconded (Lauria) to **APPROVE Application 11-30** (John P. Ryan) as submitted, subject to the General Conditions as established by the Commission and to waive the application fee.

VOTE: Motion CARRIED unanimously.

By unanimous consent the Inland Wetland & Watercourses Commission agreed to conduct a **Field Inspection on Application 11-31** (Jennifer LaStrange). The Commission requested of the applicant to stake the property, provide construction plans and additional detail.

Motion made (Fox) seconded (Lauria) to **APPROVE Application 11-32** (Nicholas Karayeanes) as submitted, subject to the General Conditions as established by the Commission.

VOTE: Motion CARRIED unanimously.

Motion made (Lauria) seconded (Chamberlain) to **APPROVE Application 11-33** (William Pond) as submitted, subject to the General Conditions as established by the Commission.

VOTE: Motion CARRIED unanimously.

Moved by Ms. Fox, seconded by Mr. Chamberlain to **APPROVE Application 11-34** (United Illuminating Co.) as submitted, subject to the General Conditions as established by the Commission.

VOTE: Motion CARRIED unanimously.

Moved by Ms. Fox, seconded by Mr. Chamberlain to **APPROVE Application 11-35** (Riccio Landscaping) as submitted, subject to the General Conditions as established by the Commission.

VOTE: Motion CARRIED 6-0-1(Abstention: Jorgensen).

Motion made (Chamberlain) seconded (Fox) to APPROVE Application 11-38. (For discussion purposes only)

By unanimous consent the IWWC agreed to a **FIELD INSPECTION on Application 11-38**.

The Commission requires the following for the field inspection on application 11-38:

- Approximation of the property line
- The Arborist on-site at the Field Inspection.
- Mark which trees are proposed to be cut.

Moved by Ms. Fox, seconded by Mr. Lauria to **APPROVE Application 11-39** (George Goldman) as submitted, subject to the General Conditions as established by the Commission.

VOTE: Motion CARRIED unanimously.

SCHEDULE FIELD INSPECTIONS.

By unanimous consent the Commission agreed the Field Inspection(s) to take place on Wednesday, October 26, 2011 leaving the Town Hall at 3:00 p.m.

ANYTHING THAT MAY RIGHTFULLY COME BEFORE THE COMMISSION.

A staff report of the Tashua Road issue discussed at last month's meeting was distributed to the commissioners. Mr. Savarese and staff had the opportunity to go out to the site. Mr. Savarese indicated that he did not see a violation. After review and discussion of the report distributed, the commission agreed that the commission regulates construction, land alteration, land disturbance and clear cutting of trees, etc pursuant to the Inland Wetland and Watercourses Commission Regulations dated February 2, 2010. This represents a passive use of the wetlands.

There being no business to discuss the Inland Wetlands & Watercourses Commission adjourned by unanimous consent at 10:00 p.m.

Respectfully Submitted,

Margaret D. Mastroni

The Inland Wetland & Watercourses Commission Clerk