

**INLAND WETLANDS AND WATERCOURSES COMMISSION  
MINUTES  
JUNE 3, 2008**

**MEMBERS PRESENT:** Richard Girouard, Chairman  
John Doris, Vice Chairman  
John Lauria  
David Lucas

**ALSO PRESENT:** Stephen Savarese, PE, LS Town Engineer  
Neil Lieberthal, Town of Trumbull Attorney

The Chair convened the meeting at 7:31 p.m.

Mr. Lauria led the Commission in the Pledge of Allegiance.

Mr. Doris read the public hearing notice.

**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, June 3, 2008, at 7:30 p.m. in the Trumbull Town Hall Courtroom, 5866 Main Street, Trumbull, CT, on the following applications:

Application 08-08, Hidden Pond Development LLC, c/o David Wolkoff, Permit approval of a 9 lot subdivision with 1025 linear feet of new roadway; disturb approximately 0.08 acres of inland wetlands; and construct approximately 0.17+/- acres of wetlands at I5 / 198 Booth Hill Road (Volume 1449/Page 97).

Application 08-11, Bruce T. Silverstone, permit approval to construct a 14x16 foot three season porch at 121 Whitney Avenue.

Application 08-12, Joseph Hyatt, permit approval to fill 150x150 foot area and seed; replant evergreen trees at 49 Moose Hill Road.

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

Dated at Trumbull, CT this 13th day of May, 2008.

Richard H. Girouard, Sr., Chairman

Inland Wetlands and Watercourses Commission of the Town of Trumbull

**Public Hearing:**

The Chair opened the public hearing at 7:35 p.m.

**08-08 Hidden Pond Development LLC** – Attorney Ray Rizio was present representing the applicant.

He requested they be allowed to withdraw the application, resubmit before the June filing date for a July acceptance and a hearing in September. He also requested that the application fee for the re-filing be waived.

**Upon Motion made (Lauria) seconded (Doris) to allow the withdrawal of application 08-08, allow applicant to reapply next month and waive fee for new application. Discussion followed. MOTION CARRIED UNANIMOUSLY - all present voting.**

**Application 08-11, Bruce T. Silverstone, permit approval to construct a 14x16 foot three season porch at 121 Whitney Avenue.** – Mr. Silverstone was present and he stated that he is proposing a three season room on top of an

**INLAND WETLANDS AND WATERCOURSES COMMISSION  
MINUTES  
MAY 6, 2008**

existing deck. It will be a 14x16 foot room. He needs to place three additional support beams under the deck which will disturb 2 square feet of space. The posts are basically just to add support. The room will be built by Patio Enclosures and it's a national company. Mr. Silverstone indicated that the house was built over twenty years ago and he has lived there for twenty years. The Town approved the deck to be there and it is solid and the house is well maintained.

The Chairman asked if anyone from the public wished to speak for or against. No one came forward.

**Application 08-12, Joseph Hyatt, permit approval to fill 150x150 foot area and seed; replant evergreen trees at 49 Moose Hill Road** – Joe and Debbie Hyatt were present. They passed out packets to the Commissioners to clarify some of the stuff that they have already gone over and to show the timeline. He described the pictures in the packet and pointed out the trees that are going to be removed and the proposed slope. Steve asked Mr. Hyatt if he had contacted the public works director, John DelVecchio and he indicated that he had not. Pictures 1 thru 7 are of the regulated area and that is the area the application is for and he stated that it is a very small portion of his property.

The Chairman asked Steve Savarese to walk them through the history. Steve stated that the work started in 2005 as a septic system repair. Mr. Hyatt indicated that he asked even before he bought the house if there were wetlands and he was told no. He also said that he was told he needed to fill in behind the septic system to prevent sewage and stuff leaking out into the back area. He stated that this all stemmed from the Town telling him to do this originally.

Steve stated when you have a failing septic system that needs to be repaired that it wasn't the Town but Trumbull/Monroe Health District that dealt with that. New galleries were put in and they had to bring in septic quality fill in accordance with the public health rules and he believes the fill continued for another three years. When fill became available the Hyatt's took advantage of it and that is one of the reasons why it took so long. A number of complaints were received from '06 to '08 and were responded to and no application was made. In March '08 is when Steve became involved an inspector noted some wetlands off of the property and issued a cease and desist. The Commission needs to decide whether or not they want to lift the cease and desist.

Mr. Lauria wanted to know how close the fill is to the wetlands. Steve stated that that dimension was never taken but guessed it to be from the toe of the slope about 35 feet.

Joe Hyatt said on the IWWC review has it at 60 feet.

Mr. Doris had questions regarding trees that are to be removed, stump removal and what will be replanted.

The Chairman asked if anyone from the public wished to speak for or against.

Tom Brigante of Easton addressed the Commission. He stated that he is an environmental analyst (Orion-Surgex Environmental Technologies, Inc.) retained by a neighborhood consortium in connection with the application on Moose Hill. He indicated that they made some inspections and created a summary overview of the condition in the neighborhood. He also did research on the regulatory input from municipal and state respectively. He also stated that it is structurally unsafe with at least 20,000 cubic yards of imported fill. He stated that calls were made to the Town regarding dumping of bulky solid waste all different times of the day and night. He referred to the site as a land fill – the neighborhood is in a GAA ground water quality preservation zone. He also stated that there are trees buried to the terminal canopy and he doesn't know how the owner is going to stump these because they are under fifty feet of fill. He claims trees are buried from roots to top and may decompose. He further described water problems that could occur because there is no structural engineering and other problems because it is not known what is in the fill. He said that there is encroachment on the wetlands. He stated that the main point is that it is unsafe and environmentally disastrous. He wants the committee to read his report.

**INLAND WETLANDS AND WATERCOURSES COMMISSION**  
**MINUTES**  
**MAY 6, 2008**

The Chairman asked Mr. Brigante to explain how he came up with his assessment.

Mr. Brigante said he was not on the Hyatt property but on the Noga's which is the abutting property just below the Hyatt's and you can see the entire exposure in the southern end of the land fill – you can see wood fragments, debris, and the rubble that was dumped. He also said that a permit is required from the State and the Federal Government for this amount of fill. He also said he got a lot of history and pictures from the neighbors. Said it needs a retaining wall and a curtain drain and that there is going to be a land slide and the water coming off the pile is going to be huge. It could develop sink holes. It is his belief that the pile should be tested because you need to know what's in it. The runoff from the pile is impacting the wetlands.

Steve discussed the DEP findings and asked Mr. Brigante if he saw any filling of the wetlands and asked about flagging of wetlands. He wanted to get a clarification of what was said for the Commissioners.

Mr. Brigante wants wetland testing and flagging done.

Steve explained the May 28<sup>th</sup> DEP letter and what they found. The DEP got involved because of a complaint to them.

Mr. Brigante explained the protocol and standards for sampling.

The Chairman asked if there were any other questions from the Commissioners.

The Chairman asked if anyone from the public wished to speak. No one came forward.

Mr. Hyatt came forward and questioned if they were still talking about the 100 foot regulated area and not his entire property. He readdressed the issue of tree removal and stated the fill came from a friend of his, F.M. Bonaddio Trucking out of Norwalk. He also stated that there were no trucks on Sundays and he would have attest to that fact. He also pointed out that a lot of the stuff said had nothing to do with IWWC meeting and there has been a silt fence up since '05. He also said that there are no trees buried to the canopy.

The Chairman asked if there were any neighbors in the audience. No one got up to speak.

Mr. Hyatt stated that he takes the wood to the Town and the attendants there could state that he takes a dump truck there on a regular basis. The wood that was on his property has been taken out and he has also complied with the blight order. The police were called when he was complying with the blight order and he said that anything that the Commission and/or the Town has asked for has been done including taking soil samples of the material. He said he checked with DEP to find out what is legal fill in Connecticut and it consists of brick, asphalt and concrete.

Judy Klein, 15 Whitefield Drive. She stated she is part of the consortium that asked Tom to speak on their behalf. She stated they have been hearing dump trucks for a couple of years at all times of day and night. She said they assumed the Town of Trumbull was monitoring what was going on. They do not want anything to go any further until they find out what has gone on already. They want to know if proper drainage is in place because they are now getting a large pond of water in their yard – it is 5 times larger than it used to be. She has lived there for 29 years.

Dave Bove, 76 Cranbury Drive. Stated this has been going on for two years and every Saturday and Sunday for the last two years Joe would be out with the machines grading and doing whatever he is doing. He could not understand how he is going for a permit now. He stated that the area is very impacted by what you do and this is a huge pile and it has disturbed a lot of people. The neighbors are all concerned and the Town needs to ask how has this been allowed to go on as long as it has. He claims that they have made numerous complaints. They want to know what is in there and how the runoff is going to effect their properties. Claims he has seen water go into his neighbor's yard like he has never seen before.

**INLAND WETLANDS AND WATERCOURSES COMMISSION  
MINUTES  
MAY 6, 2008**

David Mazza, 19 Whitefield. He stated that he lives adjacent to the Kleins and his big fear is knowing what's in that land fill. He stated that he heard trucks and machinery as early as 6:30/7:00 a.m. in the morning. If there are any contaminants in the water runoff he wants it corrected. He also stated that this has been a long on going problem and he wants to be protected by the Town and a study should be made to find out what is in there.

Meladie Noga, 55 Moose Hill Road. She lives next door and down the slope. She stated that dump trucks do come all different times and during the weekends and at 6:00 in the morning. Parents have lived there for 30 years and never had water in their basement until now.

The Chairman and Attorney Lieberthal had a discussion as to what the people can do regarding their concerns on issues that do not relate to inland/wetlands. Attorney Lieberthal also advised the Commission on inland related issues.

Mr. Brigante stated that his group is willing to work with Joe Hyatt and help him solve the problems and give him whatever assistance he needs. The objective is to find out what happened and correct it.

Mr. Hyatt again stressed that the Town told him to do this and Bernie inspected the fill. Mr. Hyatt stated that he wants to get Bernard Mayernick in to testify that he was there at least four times.

Mr. Bove came forward again regarding the cease and desist order and the police going to the site. He said he had discussions with the blight officer and was advised to call the police if he saw equipment going towards the wetlands. He stressed the point that they are going for a permit now after the fact, after they have this huge pile to deal with and runoff issues and they are looking for answers.

**Upon Motion made (Lauria) seconded (Doris), Motion carried unanimously (all present voting) to continue public hearing to next month's meeting on application 08-12. MOTION CARRIED UNANIMOUSLY – all present voting.**

**Upon Motion made (Doris) seconded (Lucas) to close the public hearing. No discussion. MOTION CARRIED UNANIMOUSLY – all present voting.**

The Chair closed the Public Hearing at 8:45 p.m.

Commissioner Lauria left meeting at 8:50 and returned at 8:55

The Chairman opened New Business at 8:55 p.m.

**New Business:**

**Application 08-14 Michael Iaccarino, Jr. – Permit approval for proposed brush removal, landscaping, fence construction and masonry in a regulated area at 39 Puritan Road.** Michael Iaccarino was present and stated that the area has not been maintained for about 10 years and he wants to clean it up. He has no intention of disturbing anything where water runs through and most of the work is not in a regulated area. He will not be bringing in any fill. Wants to remove old railroad ties, stairs and put in stones where the stairs are and restack the stonewall. He has already removed the chained link fence and wants to put in a split rail fence. He is just trying to get it back to the landscaping of 20 or 30 years ago and have a working backyard.

Steve Savarese advised the homeowner and Commission that in accordance with Section 9.1 of the Regulations a petition signed by 25 people was submitted for a public hearing.

**INLAND WETLANDS AND WATERCOURSES COMMISSION  
MINUTES  
MAY 6, 2008**

Mr. Iaccarino submitted pictures and plans for the site and he indicated that he has already done some of this work over the last month or so and 98 percent of it was not in a regulated area. He had done a lot of clean up and he apologized for starting work prior to going to Inland Wetlands. Mr. Iaccarino was advised that other people also want to walk the site.

**Upon motion made (Doris), seconded (Lucas), to RECEIVE Application 08-14. Discussion followed. MOTION CARRIED UNANIMOUSLY - all present voting.**

**Application 08-15 Ann and Dave Sears – Permit approval for proposed deck and spa, fence construction and masonry in regulated area at 106 Blackhouse Road.** Ann and Dave Sears were present and stated they want to replace wood decking and cement deck around pool and there will be no land change. Where the Jacuzzi is they want to put in a retaining wall or a frost wall to prevent it from sloping down. Proposing to replace the silt fence with a frost wall to prevent erosion. There is silt fence all along the river edge to the rock retaining wall. Wants to bring the concrete from around the pool all the way up to the house and put a drain in along edge of house to collect runoff. They also want to replace the six foot fence that is around property with a four foot fence.

Steve Savarese advised the Commission that they he wants to have the Town's survey crew go out and determine flood way elevation.

**Upon motion made (Doris) seconded (Lucas), to RECEIVE Application 08-15. Discussion followed. MOTION CARRIED UNANIMOUSLY – all present voting.**

**Application 08-16 John and Karen Holmes – permit approval to remove brush from behind stonewall and plant tree and bushes along wall; trim and clean area and grade with grass or mulch in a regulated area at 25 Strobel Road.** John and Karen Holmes were present and stated there is a creek bed at the corner of their property. They would like to clear out the overgrown brush and repair and extend the stonewall. They do not plan on doing anything behind the stonewall. After they clean up the area they will plant a tree and bushes and plant some grass. They estimate there is about three to five feet between the stonewall and the creek and then it widens out further up the property.

**Upon motion made (Lucas), seconded (Doris) to RECEIVE Application 08-16. Discussion followed. MOTION CARRIED UNANIMOUSLY – all present voting.**

**Upon motion made (Doris), seconded (Lucas) to close new business at 9:30 p.m. No Discussion. MOTION CARRIED UNANIMOUSLY – all present voting.**

**Old Business:**

Updated Regulations were discussed.  
November meeting will be on Monday, November 10<sup>th</sup>.

**Work Session:**

The Chairman opened the work session at 9:35 p.m.  
After discussion and review, the Commission took action as follows:

**Motion made (Lauria) seconded (Lucas) to APPROVE Application 08-11, as submitted, subject to the General conditions as established by the Commission. No Discussion. MOTION CARRIED UNANIMOUSLY – all present voting.**

**INLAND WETLANDS AND WATERCOURSES COMMISSION  
MINUTES  
MAY 6, 2008**

Application 08-12 – Steve Savarese stated that that it needs to be determined if it is a significant impact or not and if the Commission is going to continue the cease and desist. There was discussion regarding the fill and the trees that are in the fill in the regulated area. The source of the material in the fill and the water seeping off the hill was also questioned. Steve indicated that he thought the Hyatt's are willing to do something about the runoff. Commissioner Lauria said if you look into the wetlands you can see that some of the vegetation has gotten siltation on it so there is evidence that silt is getting into the wetlands. The Commission set the following guidelines:

- Help from the tree warden – have him come out and visit the site;
- No regarding, excavating or depositing of new material;
- Landscaping/erosion control plan submitted prior to public hearing;
- Plunge pool or mitigation plan;
- No falling of any new trees;
- Cease and desist all activities except for removal of existing fallen trees and log piles currently on the site;
- Maintain and record maintenance of erosion control measures
- Composition of the fill.

**Motion made (Doris) seconded (Lucas) to APPROVE meeting minutes dated May 6, 2008 and field inspection minutes of May 21, 2008. No discussion. MOTION CARRIED UNANIMOUSLY – all present voting.**

**Field Inspection:**

The field inspection date was scheduled for Monday, June 23, 2008 leaving the Town Hall at 3:30 p.m. on the following applications:

**Application: #08-14**

**Application: #08-15**

**Application: #08-16**

**Application: #08-12**

**Correspondence:**

No discussion on correspondence included in each Commissioner's packet.

**Motion made (Doris) seconded (Lucas) to adjourn at 10:06 p.m. No discussion. MOTION CARRIED UNANIMOUSLY – all present voting.**

Respectfully submitted,

BY: \_\_\_\_\_  
Joyce Augustinsky, Clerk