

**MINUTES
INLAND WETLANDS AND WATERCOURSES COMMISSION
OCTOBER 7, 2008**

MEMBERS PRESENT: Richard Girouard, Chairman
Arlyne Fox
John Lauria
Andrew Lubin

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

The Chair convened the meeting at 7:40 p.m.
Mrs. Fox led the Commission in the Pledge of Allegiance.
Mr. Lubin 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, October 7, 2008, at 7:30 p.m. in the Trumbull Town Hall Courtroom, 5866 Main Street, Trumbull, CT, on the following applications:

Application 08-24 – Hidden Pond Development LLC, c/o David Wolkoff. Permit approval of an 8 lot subdivision with 917 linear feet of new roadway connected to Hidden Pond Lane; filling of 4 small wetland areas; construct 0.11+/- acres of wetlands in a regulated area on Booth Hill Road.

Application 08-28 – Joseph Hyatt. Permit approval to grade and seed existing area to a 3 to 1 slope or 18 degrees; cut down 8 trees; replant evergreen trees in regulated area 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 4th day of September, 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 7:43 p.m.

Application 08-24 – Hidden Pond Development LLC, c/o David Wolkoff. Permit approval of an 8 lot subdivision with 918 linear feet of new roadway connected to Hidden Pond Lane; filling of 4 small wetland areas; construct 0.11+/- acres of wetlands in a regulated area on Booth Hill Road. Attorney Raymond Rizio was present for the applicant and stated that due to the significance of this application he wants a full commission and requested a postponement of opening the public hearing until the next scheduled meeting on November 10, 2008 and the applicant agreed to pay the public hearing publication fees. Mr. Rizio explained an error in the limits of disturbance was the reason new plans were submitted. Matt Popp and Otto Theall, consultants for the Town, were present and indicated they had no problem with reviewing the revised plans by the November 10th meeting.

Motion made (Lubin) seconded (Lauria) to postpone opening the public hearing on Application 08-24 to the next scheduled meeting of the Inland Wetland Commission subject to the applicant paying the publication fees in connection with the publication for the next hearing. Discussion. THREE IN FAVOR AND ONE OPPOSED (FOX). MOTION CARRIED – all present voting.

The Chairman took comments and questions from the public. Nick DiMarco, 21 Shadowood Lane – questioned how many houses are to be built and was told 8 houses. Steve Ieronimo, Pinewood Trail – had questions regarding the

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Commission, a quorum, and the Commission's intentions. William Pisani, Pinewood Trail – suggested the Town order the owner to remove the junk, debris, and garbage that has been dumped on the site and also suggested the soil be tested. He was informed that the owners of the sight had a Phase 1 site assessment and it is on file and available for review in the Engineering Office. He was directed to Fred Beitsch, the Blight Officer regarding his blight concern and was told the owner has a wetland's permit to clean up the site.

Application 08-28 – Joseph Hyatt. Permit approval to grade and seed existing area to a 3 to 1 slope or 18 degrees; cut down 8 trees; replant evergreen trees in regulated area at 49 Moose Hill Road.

Mrs. Noga, 55 Moose Hill Road submitted photos of 49 Moose Hill Road that she wanted the Commission to see. Joseph Hyatt was present and submitted certificates of mailing for the record. The applicant presented a letter from F.M. Bonaddio Construction regarding the fill that was trucked onto the site. Scot Fitch, a senior driver for F.M. Bonaddio Construction, Inc. was present and testified that the fill was from Tamarack and that he has 25 years in the environmental field, has worked with the DEP, and is certified in groundwater and soil sampling. Mr. Fitch stated again that all the fill came from Tamarack Country Club. Mr. Hyatt commented on the pictures from Mrs. Noga and indicated that some were at least three years old. There was discussion regarding trees on the applicant's property. The applicant questioned the cease and desist order and was informed that it pertains to everything that is in the wetlands and within the buffer.

The applicant stated that he met with neighbors and discussed ideas and solutions and they are interested in ideas and solutions from the Town for the water problems and wants some input.

Steve Savarese stated some of the issues and conditions that have been worked on and addressed are:

1. Re-grade the regulated area or the soils that fall into the regulated area to a 3 to 1 slope. Would like the toe of that slope to have some kind of swale to direct the water towards the pipe underneath the neighbor's driveway. The water wouldn't go down the slope and over their driveway but into a swale that is graded parallel to the driveway to the pipe under the driveway. They want the swale to be on Mr. Hyatt's property.
2. In accordance with the tree warden take down the trees properly.
3. Plant seed and stabilize the exposed areas as soon as practical.

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

Melanie Noga, 55 Moose Hill Road. Addressed concerns regarding the size of the fill, water runoff going down her drive, and proper drainage. She also wants a permanent retaining wall to contain the fill and prevent erosion and she has issues with the statement regarding where the fill came from.

Dave Bove, 76 Cranbury Drive and Jeffrey Klein. Questioned where the wetland area is located. He has issues with excessive dumping or filling in the Town in general and more specifically at 49 Moose Hill Road. He also questioned piping work that was performed by a Town employee or Mr. Hyatt in a wetland area and wants the Town to hire a consulting firm. Discussion followed between the Chairman, Steve Savarese, Mrs. Noga and Joe Hyatt. Mrs. Noga stated it was a replacement pipe that was clogged and it was replaced by the applicant. The applicant summarized the problems and the reasons the pipe was replaced. The Chairman stated that it was not an issue for the Commission because they didn't know about it.

Jeff Klein, 15 Whitefield Drive. Addressed the recommendations that were made to the applicant and he has concerns regarding water running from the pipe toward his property and doesn't want more problems. He wants to make sure solving one problem does not create another one. He described the water flow and the increase in ponding. Steve Savarese described the watershed area these homes are in and indicated this application maintains the natural drainage patterns of this watershed. Mr. Bove had further discussion regarding the pipe that was replaced in a wetland area without a permit and he wants the Town to work with the neighbors. Mr. Savarese stated the applicant is proposing: 1)

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deal with the trees; 2) create stabilized grassed slope; 3) drainage. The applicant indicated he is willing to construct a swale, plunge pool, or trenches around the property. Time frames for the completion of the work were discussed.

**Motion made (Fox) seconded (Lubin) to close the public hearing. No discussion. ALL IN FAVOR.
MOTION CARRIED UNANIMOUSLY - all present voting.**

The Chairman closed the Public Hearing at 8:43 p.m.

New Business:

08-27 – Scott Molnar c/o Raymond Rizio. Permit approval to modify existing conservation easement to permit sloping of the property in a regulated area at 127 Aspen Lane. Attorney Ray Rizio was present representing the applicant. The application was filed to remedy a violation and a cease and desist order has been issued. There is a conservation easement on the property and the applicant did grading in that area. A surveyor and a soil scientist have been retained by the applicant and a remediation plan will be presented at the next meeting. Wetlands have been filled on the site and the applicant will do whatever is necessary to bring it back into compliance. The conservation line and wetlands will be marked for the site walk and the surveyor and soil scientist will be at the site walk.

Motion made (Fox), seconded (Lauria), to RECEIVE Application 08-27. Discussion followed. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY - all present voting.

08-29 – Richard Mainiero. Permit approval to construct a roof on existing 16'x15' concrete patio in a regulated area at 40 Red Barn Road. Richard Mainiero was present and stated he wants to put a roof on the patio area and it is located eighty feet from the wetlands and there will be no new impervious surfaces.

Motion made (Lubin) seconded (Fox), to RECEIVE Application 08-29. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.

Application 08-30 – Rose Tiso & Company Agent for JJ and J Realty, LLC. Permit approval to construct an 11,600 square foot addition to existing building in a regulated area at 2 Trefoil Drive. Manuel Silva, a registered engineer in the State of Connecticut was present representing the applicant. The existing building is a manufacturing facility. The original site design has rip rap channels and a collection drain swale. There are wetlands to the west of the existing building. There will be 5,400 square feet of new impervious surface and the rest will be conversion of pavement impervious to roof impervious. They are proposing to mitigate the impervious increase to the gallery system underneath the existing parking lot. The overflow will be taken to an existing out fall in the wetland area which is a drainage swale that goes into the rip rap channel. There will be no increase in parking or paving. The channels go to a large retention pond on Spring Hill Road and Trefoil Drive and then go out to the Pequonnock. All the new impervious surfaces and the two six inch roof leaders will be held on site because the galleries are sized to hold all the increased runoff. The applicant is open to replacing the volumetric controls with a water quality control from the DEP guidelines.

Motion made (Fox) seconded (Lubin), to RECEIVE Application 08-30. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.

Application 08-32 was taken out of order before 08-31.

08-32 – Chris Gonzalez Agent for CIL Realty, Inc. Permit approval to construct a handicap ramp with a 48"x42" landing in a regulated area at 101 Oldfield Road. CIL Realty is a non-profit organization and requested the application fee be waived. Chris Gonzalez was present – they want to make a group home accessible by putting in a handicap ramp. It will be located 65-95 feet from a drainage ditch. At the end of the ramp there will be a four foot wide concrete ramp tying it into the existing driveway.

Motion made (Lauria) seconded (Fox), to RECEIVE Application 08-32. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.

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Application 08-31 – Town of Trumbull/John Del Vecchio. Permit approval for dredging and regular maintenance to existing pond to return pond to previous depths and shape in Old Mine Park. Steve Savarese, Town Engineer, presented a public works project for improvements in Old Mine Park. Previously Old Mine Park was a popular recreation area in the Town. At this time the pond is silted up and the beach/sand area is gone. The work will be regular maintenance that needs to be done to return this area to a recreation area again. Excavation will be about 2800 cubic yards and the silt will be dredged and removed from the site. A DEP permit is required for this type of dredging activity and beach repair and an environmental scientist has been hired. This will be a Spring project and the DEP permit has to be filed now. Discussion took place regarding the bridges, elevation structures, and flood controls. **Motion made (Lubin) seconded (Fox), to RECEIVE Application 08-31. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.**

Application 08-23 – Town of Trumbull. Up-date Regulations. The application was not received by the Commission and no action was taken.

Motion made (Fox) seconded (Lauria) to postpone receiving application 08-23 (Town of Trumbull) to the next scheduled meeting on November 10, 2008. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.

Motion made (Lubin) seconded (Fox) to close new business. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.

The Chairman closed new business at 9:25 p.m.

Work Session:

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

Application 08-28 – Joseph Hyatt. Permit approval to grade and seed existing area to a 3 to 1 slope or 18 degrees; cut down 8 trees; replant evergreen trees in regulated area at 49 Moose Hill Road.

Motion made (Fox) seconded (Lubin), to **APPROVE** Application 08-28, subject to the General Conditions as established by the Commission and the following SPECIFIC CONDITIONS. Discussion. **ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.**

- Submit a site plan showing all stipulations of approval to the Town Engineer prior to the start of any construction and all work shall be performed under the supervision of the Town's Engineering Department;
- Site to be stabilized before winter;
- Trees shall be removed under the supervision of the Town of Trumbull's tree warden;
- Stabilization of slope;
- Three to one slopes;
- Construct a three foot wide swale on your property to protect the neighboring driveway to the north;
- Construct a twenty foot diameter plunge pool;
- Planting of trees as proposed under the supervision of the Town of Trumbull's tree warden;
- All site work to be completed by June 14, 2009.

The Commission also recommended the construction of a trench around the back of the property as proposed by the applicant.

08-27 – Scott Molnar c/o Raymond Rizio. Permit approval to modify existing conservation easement to permit sloping of the property in a regulated area at 127 Aspen Lane. The Commission will walk this site.

08-29 – Richard Mainiero. Permit approval to construct a roof on existing 16'x15' concrete patio in a regulated area at 40 Red Barn Road.

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Motion made (Lauria) seconded (Lubin) to **APPROVE** Application 08-29, subject to the General Conditions as established by the Commission. Discussion. **THREE IN FAVOR AND ONE OPPOSED (FOX). MOTION CARRIED – all present voting.**

08-30 – Rose Tiso & Company Agent for JJ and J Realty, LLC. Permit approval to construct an 11,600 square foot addition to existing building in a regulated area at 2 Trefoil Drive.

Motion made (Lubin) seconded (Fox) to **APPROVE** Application 08-30, subject to the General Conditions as established by the Commission and the following SPECIFIC CONDITIONS. Discussion. **ALL IN FAVOR.**

MOTION CARRIED UNANIMOUSLY – all present voting.

- Subject to the submission of plans to the Town Engineer to retrofit existing stormwater management; and
- Stormwater runoff and stormwater detention to be done under the guidance of the Town's Engineering Department.

08-31 – Application 08-31 – Town of Trumbull/John Del Vecchio. Permit approval for dredging and regular maintenance to existing pond to return pond to previous depths and shape in Old Mine Park.

Motion made (Lauria) seconded (Fox) to **APPROVE** Application 08-31, subject to the General Conditions as established by the Commission. Discussion. **ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.**

08-32 – Chris Gonzalez Agent for CIL Realty, Inc. Permit approval to construct a handicap ramp with a 48"x42" landing in a regulated area at 101 Oldfield Road.

Motion made (Lauria) seconded (Fox) to Waive application fee for Application 08-32. Discussion. **ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.**

Motion made (Lauria) seconded (Fox) to **APPROVE** Application 08-32, subject to the General Conditions as established by the Commission. Discussion. **ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.**

Motion made (Fox) seconded (Girouard) to APPROVE meeting minutes dated October 7, 2008. No Discussion. **TWO IN FAVOR, TWO ABSTAINING (Lubin & Lauria) MOTION CARRIED.**

Field Inspection:

The field inspection date was scheduled for Tuesday, October 21, 2008 leaving the Town Hall at 3:00 p.m. on the following application:

Application: #08-27

Correspondence:

No discussion on correspondence.

Motion made (Fox) seconded (Lubin) to adjourn at 9:58 p.m. No discussion. **ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.**

Respectfully submitted,

BY: _____
Joyce Augustinsky, Clerk