



INLAND WETLANDS AND WATERCOURSES COMMISSION
MINUTES
June 5, 2012

MEMBERS PRESENT: Richard Girouard, Chairman
Arlyne Fox, Vice Chairman
John Lauria, Secretary
Carmine DeFeo
Kevin Chamberlain, Alternate (voting)

MEMBERS ABSENT: Lars Jorgensen
David Lucas

ALSO PRESENT: Frank M. Smeriglio, P.E. Town Engineer, William Maurer, Town Civil
Engineer and Dmitri Paris, Director of Parks

The Chair convened the meeting at 7:34 p.m.
All present joined in the Pledge of Allegiance led by the Commissioner Fox.

PUBLIC HEARING

The Chair opened the Public HEARING at 7:35 p.m.
Commissioner Lauria read the PUBLIC HEARING notice into the record as follows:

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 5, 2012 at 7:30 p.m. in the Trumbull Town Hall Courtroom, 5866 Main Street, Trumbull, Connecticut, on the following application:

Application 12-19, Gary Williams and Ellen Grosso - Permit approval to remove trees, brush, litter, debris, add plantings, replace an existing deck, add stone patio and walk on-grade, general clean up/maintenance and install a 12' x 36" above ground seasonal pool within a regulated area at 24 Indian 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 24th day of May, 2012.

Richard H. Girouard, Sr.

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

Mr. Gary Williams and Ellen Grosso of 24 Indian Road were present. Certificate of mailings were submitted prior to this meeting. Mr. Williams indicated the application is to enlarge the usable area of their yard, remove trees and general clean-up in the regulated area. The work has been performed with the exception of the patio, deck and pool. Mr. Williams and Ms. Grosso agreed to locate the pool on the lawn in the rear yard east of the house, to remove the planting by the river from their application and to move the trampoline to where they had originally proposed to locate the swimming pool with the caveat of if it is a safe area for the children. Commissioner Lauria stated that he would not be able to support removal of additional saplings. The applicants indicated that they were unsure with regard to how to introduce stabilization to the uphill area. The Chair clarified that planting the pachysandra would fall under the *add plantings* section of this application. The new location of the trampoline is the location of where the proposed flag stones were to be. Ms. Gross stated that chlorinated water from the pool could possibly be pumped and taken off site at the end of the season, further research is necessary. The lilies will not be planted.

Mr. Williams stated that there are monuments in the area. Ms. Gross stated the property had been subdivided so many times that the monuments do not relate back to their actual property. Mr. Williams confirmed that a survey had been done when they purchased the property. Mr. Maurer stated that the parcel is made up of five (5) different parcels that were combined and separated at different times, a full survey by a private surveyor would be necessary. The Chair clarified that woodchips should not be put into the area where the trampoline is currently. Commissioner Lauria indicated that the monuments are probably wetland monuments, the soil scientist report may identify them. Commissioner DeFeo requested that if anything needed to be stored that it be done so in the upland area. Ms. Grosso submitted a letter of support from a neighbor into the record; the neighbor was unable to attend this Public Hearing. Mr. Williams summarized the discussion as: to move the trampoline to the proposed pool area, move the pool to the grass area at the back of the house at the southeast pocket, remove from the application the planting by the stream, add planting of pachysandra on the bank of the embankment. Commissioner Lauria added no removal of the saplings and a dewatering plan for the pool. Commissioner Fox stated that the dewatering plan could be reviewed by the office administrators. Commissioner Fox stated adding stone or rock adds to the disturbance of the area as opposed to soil being rolled and flattened out. Ms. Gross stated her concern is the effect the rain would have on the path. Commissioner Fox indicated that there are ways to treat the soil where it is as hard as concrete. Mr. Williams stated that they will explore that option. Commissioner Lauria stated that the removal of the saplings' roots would disturb the wetlands; this area provides a habitat for wildlife. Ms. Grosso voiced her concern over the rotting overhead branches; the Chair indicated that the branches would be included in the removal of trees of the application.

Attorney Marjorie Shansky representing Jim and Patricia Giff of 159 Plymouth Street was present. Atty. Shansky submitted a photograph of the Giff's property for the record. The Giff's own the pond. Atty. Shansky orientated the commission to the Giff's property on the map on display at this hearing. Their concerns are as follows: A survey, scaled drawing or flagging of the wetlands had not been submitted. Prior to the notice of violation the area was completely vegetated. This vegetation provides functions and services in sedimentation control, habitat, and water quality control. The removal of vegetation has poor water quality effects and adverse wetland impacts. The combination of not having been a survey, the clearing, the failure of markings of the property line and the limits of the wetlands has made it very difficult to review the application meaningfully. Atty. Shansky commented favorably on the conversation between the applicant and the commission during this Public Hearing, noting that this should all be worked out but none of that is in a file. The soils report is not in the file. There is a drawing in the file but is not a proxy for a survey. The limits of the wetlands are not known and would want to protect and mitigate what has been done by restoring a vegetative corridor. They are concerned by the extension of the

usable area, there has to be reconciliation with the wetlands and private property use. If there was a survey it should have been included in this file. Atty. Shansky suggested cooperation on a survey so that it can be understood where one begins and the other ends. The activity performed and the activities proposed are too vague. They would like to know that there will be restoration of a vegetative corridor to protect the water. Atty. Shansky submitted a letter dated June 5, 2012 to the Chairman and the IWWC members regarding this application and Mr. Colin's resume for the record. Commissioner Chamberlain stated a Field Inspection had taken place, a copy of the Field Inspection minutes was provided to Atty. Shansky at this meeting. Atty. Shansky indicated that there was no impugning of the process only frustration that they had not been kept up to date. They have a general concern that the boundaries are not marked and do not want any trimming, pruning or clearing on her client's property.

James Cowen of Environmental Planning Services a registered Soil, Wetland Scientist and Landscape Designer was present. The proposed activities include more detail than the application itself and are a concern. He appreciates the questions the commission has raised with regard to mulch, preservation of saplings and the shoreline vegetation and applauds those efforts as well as the applicants' willingness to move the pool and the trampoline. It is hard to know what activity is taking place within the wetland and the regulated area without a scaled plan with delineated wetlands. The applicant has provided a flood zone map which indicates the zone beyond the stream and pond, a flood zone can have flood zone soils. Without having the wetlands delineated by a soil scientist you will not know where the wetland edge is. It is difficult to tell where trees were removed and which are proposed to be removed without seeing them on the site-plan. There are potential impacts to the clearing that has already taken place and would recommend mitigation and restoration of the removed plants. Mr. Cowen disagreed with site-plan details #11; *Removal of native plants encourages the growth of native plants*, included in the application. When there is a native canopy, you do not remove plants to encourage growth. There will be a change and effect on wildlife, wildlife that needs shade will lose habitat, other wildlife may come in but it will change it. What we may not consider aesthetically pleasing is what animals consider home, we need to adjust our thinking, and is opposed to the section of the application that includes the proposed clean up of brush and understory. The wooded nature of the bank of the stream is probably a wildlife corridor, maintaining a wildlife corridor is of value. They are not saying that no activity can be performed, just that they need to know more and it has to be done judiciously. It is good to have distinction between our gardens are and to work with nature. Color woodchips use dye; natural woodchips take nitrogen out of the soil and rob plants of nutrients. With regard to the stone steps and fill, the General Army Corps of Engineers just released their new general permit; any fill in the wetlands requires an Army Corps permit. It is likely placing stone steps in wetlands will trigger this permit, for the safety of the applicants they should know where the wetlands are. The mitigation plan should have some restoration of vegetation along the stream edge and stabilization thereof. Mr. Cowen stated it is dramatic where the trees and shrubs have been removed, although it does appear to be stable. The benefit of marsh marigold is to feed the wildlife. Plants and roots filter the soil, protecting the water quality. Woody roots are superior to holding together stream plants; it is possible to have a path although it should be a carefully chosen path. The canopy is intact, the understory south of the clearing the leaves come right to the water, the morning sun will penetrate the trees and warm up the soils, by having a full layer all the way through without clearing the understory would provides the most shade as well as a structured habitat for wildlife. Wildlife grade nurseries with relatively small root balls could be planted, although it will take longer to fill in. Smaller is better than larger in the wetlands, in the regulated area larger plants could be used, there needs to balance. With regard to the removal of the understory many species will re-grow, how fast it is not known some such as birch will not. Leaf litter provides habitat. Commissioner DeFeo stated the litter removed was man made.

Atty. Shansky stated she had reviewed the site-walk minutes and it had been determined the upland area includes most of the rear yard and patio. The wetlands may extend further than the edge of the pond,

wetland delineation is appropriate for this application. This is a significant impact activity under the commission's regulations, it brings with it that there are no feasible and prudent alternatives that would have a lesser impact, which includes doing nothing if the applicant had come to the commission before the activity was performed the commission could have said no, or as Mr. Cowen had indicated to understand a specific design to achieve and reconcile the private interest with the natural interest. The application is materially incomplete suggesting the commission deny without prejudice allowing the applicant to bring the scaled site plan, survey and the wetland delineation which serves as valid basis of your consideration under the commission's regulations. Atty. Shansky stated that there are people present at this meeting who are interested but do not wish to speak and suggested the Chair have them raise their hands,

The Chair asked if there was any one else present to speak.

Mr. Joe Pifco of 158 Plymouth Avenue was present and submitted a photograph of the property at 24 Indian Road from a year ago noting that property looks significantly different now than it did a year ago. Mr. Pifco is opposed to any tree clearing, he has spent \$10,000 on drainage for his house, removing any trees will raise the water table for himself and people down stream. He has a financial interest; his house is in water and does not need anymore.

Atty. Shansky submitted copies of photographs taken by Mr. Maurer from the Giff's property of 24 Indian Road. The limits of the wetlands are not known, they can not assess the scale and scope of the impacts of the activity that had already been performed or the activity to be performed. A survey would change the conversation, it would give the commission the information they need to evaluate the request. A survey is required by the commission's regulations; it would provide a uniform template that can be evaluated. Activity within a wetland can be more stringent than the activity in the upland review area.

Mr. Cowen stated if all of the work that was performed is in the wetland that changes the conversation, the question is would be what is the remedy? There has not been any mitigation proposed, the application is incomplete because there is no proposed mitigation of planting plan or site plan.

Mr. Williams stated the wetland disturbance is a small amount; it is where the trampoline was, from that point on to the house it is the regulated area. There is large birch tree infested with carpenter ants that is proposed to be removed, there is no other clearing proposed. Ms. Grosso stated that there were three (3) Ironwood trees removed from the regulated area to give the Hemlocks a clearer area to grow, there was one other tree that was rotted that had been removed, there were a few smaller saplings closer to the water's edge and a bush, litter and debris were removed. The clear space where the swing set is there had no trees removed with the exception of weeds and one tree that were rotted. The skunk cabbage line is deeper into the property than last year because the debris had been removed; they are able to see more vegetation now because the debris left from the previous owners is gone. Ms. Fox indicated that there are limbs that are dead in the tall trees that need to be removed because they pose a danger to their family, skunk cabbage does not indicate wetland soil. Ms. Grosso stated for the record that they love the area and do not want to upset it; they play with their children there, love the muskrat, ducks and salamanders. What that space has to offer is one of the main reasons why they purchased this home. They want to respect nature and wildlife. Most of what they had done was within the regulated area. Mr. Williams and Ms. Grosso were agreeable to a continuance of the public hearing and would also be agreeable to let Mr. Cowen onto the property.

Mr. Cowen stated that he is still concerned about the flood zone it is important to know where the flood zone is to protect the people and the area. There are shade tolerant tree saplings and shrubs.

Mr. Williams stated for the record that the soil engineering report was a delineation report. The Chair suggested submitting the report to the Town Engineers and letting them review.

Ms. Fabian Daq, Mr. and Mrs. Giff's gardener was present. Ms. Daq has a Master's degree in Science and a major in horticulture. Mr. and Mrs. Giff have always told her that whatever she was to every do on their property was to have the least effect on the wildlife. The clearing, removal of saplings and understory took place in February and March. In winter time on that property you can see across the pond that is the natural view. In the summer time after the trees have leafed out the view is completely blocked out by vegetation and agreed with Mr. Cowen's explanation of how the under story protects the pond. In the winter time you can see all of the trunks of the large trees and the saplings. When she went to the property after the activity had taken place they could see across and was shocked to see the clearing. This was in the winter not in the summer and was concerned where all of the material had been placed. There have been some very wet summers; the pond has gone up in level. The shock was that all of the shade had been taken away from that area which does affect the habitat. Mr. and Mrs. Giff are only interested in preserving the habitat for the species that are living there. They are avid supporters of wildlife.

The Chair asked if there were any other people present who wished to speak. Hearing none the Chair called for a motion to CONTINUE the public hearing.

Motion made (Lauria) seconded (DeFeo) to CONTINUE the PUBLIC HEARING (Application 12-19, Gary Williams and Ellen Grosso) to the July 3, 2012 Inland Wetlands and Watercourses Commission meeting. VOTE: Motion CARRIED unanimously.

Motion made (Lauria) seconded (Fox) to CLOSE the PUBLIC HEARING of this meeting at 9:14 p.m. VOTE: Motion CARRIED unanimously.

The Chair called a recess at 9:15 p.m.
The Chair called the meeting back to order at 9:26 p.m.

REGULAR MEETING

NEW BUSINESS:

The Chair opened New Business at 9:27 p.m.

Application 12-20, Robert and Melissa Daniel-Permit approval to revisit the commission's January 3, 2012 decision with regards to the fence and removal of five (5) rotting and hazardous trees with stump grinding within a regulated area at 638 Booth Hill Road.

Robert and Melissa Daniel of 638 Booth Hill Road were present and submitted the soil report for the record. Ms. Daniel indicated that they are before the commission to revisit the placement of the fence, placing the fence at 1' west of the easterly property line that borders the Town's property would be a fair compromise. There are existing arborvitaes that border the Town property in that same property, the application includes the request to remove five (5) trees. Mrs. Daniel requested if it would be possible to add 3-5 sprinkler heads to the application at this meeting. The Chair indicated that they could not since it was not included on the agenda. Ms. Daniels understood. Mr. Daniels spoke to the January 3, 2012 decision's requirements confirming that they have moved the berm approximately 100' from flag E and are out of the buffer zone, planted eight (8) green giant arborvitaes trees along the property line as approved at the January 3, 2012 meeting and reseeded where the berm was to stabilize the soil. The plantings in the January decision have not been planted yet because they wanted to come back to the commission regarding the location of the fence. Mr. Daniel indicated that the monument in the back corner has not

been put back to date, until that is done by their neighbor they can not put in the fence or the planting in their proper places. Mr. and Mrs. Daniel requested an extension on the deadline for the work to be performed, the January 3, 2012 decision requires that the work be done by July 1, 2012. Ms. Daniel stated that they had said they would work with the Tree Warden, but they have had Long Hill Tree Company and Celtic Tree Service come out; they both have said that the trees have to come down. The trees are dropping limbs. The trees are a liability to them as homeowners. Mr. Daniel stated he had spoke to the builder and he had indicated that there were no wetlands on the Daniel's properties. After investigation they were able to find another wetland map, entitled Beaver Brook Estates, this shows the wetlands in an entirely different location as the as-built that has been used by the Town. Per Mr. Danzer's report the as-built is not a legitimate wetland plan, the sequence of the wetland flags are not in the proper order as (highlighted in the report) the wetlands are off-site. Mr. Daniel submitted a copy of the Beaver Brook Estates map for the record. Wetland flag #2 is at the edge of the pond, back further by 15'. The as-built does not state where the wetland flag information comes from. Mr. Danzer flagged the Daniel's property. The Chair clarified that the regulated area is the area within 100' of the watercourse. Mr. Daniels stated that they had measured from wetland flag #8 and is out of the regulated area. The Beaver Brook Estate map was found in the builder's file it was not at the Town Hall.

Motion made (Chamberlain) seconded (Fox) to RECEIVE Application 12-20 (Robert and Melissa Daniel)
VOTE: Motion CARRIED unanimously.

Application 12-21, Robert Jr. and Elizabeth Paoella - Permit approval to install an 18' x 36' in-ground pool 70' from the wetlands, a separation tank will be used to eliminate backwash within a regulated at 10 Sarenee Circle.

Robert and Elizabeth Paoella of 10 Serenee Circle were present. Mr. Paoella indicated that they are installing an 18' X 36' in-ground pool. Mr. Robert Henchcliff of Crystal Clear Pools was also present. The Mr. Henchcliff of 137 Iron Road, Clinton, CT stated that the apron would be 4' around the whole pool, 1010 s.f. total. (649 s.f. of pool water). Mrs. Paoella stated they are hoping they could do the gunite but at this time they were seeking approval for an in-ground, in general, cost is involved, gunite would be their first choice. This approval was a big hurdle for them, there are other elements involved; landscaping and patio etc., they wanted to see if this would pass before they went any further. It is there wish to do gunite.

Motion made (Fox) seconded (Chamberlain) to RECEIVE Application 12-21 (Robert Jr. and Elizabeth Paoella)
VOTE: Motion CARRIED unanimously.

Application 12-22, Benjamin Proto - Permit approval to revisit the commission's January 3, 2012 decision with regards to the fence within a regulated area at 634 Booth Hill Road.

Attorney Benjamin Proto with an office at 2090 Cutspring Road, Stratford representing Tina Beyer was present and submitted a binder for the record, information included in the binders is as follows:

- A letter from Nafis & Young dated 4-12-12 to Edward & Tina Beyer re: 634 Booth Hill Road.
- A plant list.
- Visuals of plants.
- Aerial view of Booth Hill Road.
- Three (3) photographs of the property at the rear of the house.

Atty. Proto indicated that Dave Nafis, P.E., L.S. the original surveyor for the property had recently resurveyed the property, he does not know what the concrete monument is, where it belongs or what it does. It was not one that he placed. They think that it was a contractor's monument to delineate a corner. If that is what the commission thinks it is they are happy to put it back. The monument appears on no

plan or his survey or data points. With regard to the fence, they feel the elimination of the fence and the use of plantings to delineate that line at about the one foot line of the property is better; this property has a large grade from the northern property line to the southern line as represented in the back of the binder. Atty. Proto took the photographs on Sunday 6-3-12; he was standing at the southern boundary line of the Beyer's and the Masi's property looking towards the Beyer's property. There is approximately 30+ feet of property in the woods, there is a large mound of hardpan material and rock, installing a fence or plantings in the area would be impossible and proposed no fence but using plantings instead. The Daniel's would amendable to elimination of the fence and plantings instead of the fence. Two plans were provided: Plan A is basically reciting the commission's order was two install thirty plants along the border of the northerly property line to the southerly property line which would put a large number of the plants in the heavily wooded area with hardpan rock. Trying to plant in that area would disturb the wetland more than resolve.

Plan B: Their preferred plan involves:

Thirty (30) plants from the northerly property line to the wooded tree area. Referring to the google photograph included in the binder, shows the tree area that covers the much of the southeastern piece of the property. Their proposal is to plant from the Daniel's property line and to not install any plants in the hardpan area. They are asking for the commission to approve Plan B. Mr. Nafis's survey is not the complete survey; a full and complete survey is in the process of being completed. Wetland flag #2 delineates the Beyer's 100' buffer if that flag moves back as Mr. Daniel's soil scientist has indicated, so would their buffer along with the Daniel's buffer. Atty. Proto stated that they would rather not have the fence and would be happy to consider a different way to delineate. If the solution is a concrete marker they would be more than happy to do that instead of the fence and plantings. One of the concerns his clients have is this entire Town open space does not have a fence around any part of its area; the purpose of the open space is to allow the people of Trumbull to have the open space. Atty. Proto stated that Plan B accomplishes what the commission wants and keeps people from crossing the Beyer's or the Daniel's properties into the wetland. The plantings would go up to the heavily wooded area. There are other entrances that people can use to enter the open space. Mr. Maurer indicated that the purpose of having the survey redone was because the monuments were disturbed when they removed the mound, whoever lowered the grade by 6' and replaced it was a lay person and did not put it in the correct spot, the monument could have been placed there by another surveyor. There are other pins there that Mr. Nafis found. The Chair stated that the neighbors on the other side Mr. Masi and Fatone have indicated that there monuments were moved. Atty. Proto stated that complaint came after Mr. Nafis was there and placed temporary stakes showing that the Masi's fence is 2-3' onto the Beyer's property. Mr. Nafis did not indicate any issues with the southeast boundary only the northeastern boundary. Mr. Nafis can go out and mark the corner and reinstall the monument. Mr. Maurer stated per the original condition of approval the monument was supposed to be put back where it was supposed to go, the surveyor would know where it that is. The Chair stated that he would like the corner of the Beyer's property marked on each side, (The Daniels and the Masi's side). The planting plan was designed by a landscape architect and will follow up with a copy from a landscape architect. Commissioner Chamberlain requested that Note #6 be corrected by a professional soil scientist. Atty. Proto agreed. Commissioner Lauria stated that the intention of the use of the shrubs was for mitigation, not wetland delineation. Commissioner Chamberlain stated the intent of the January 3, 2012 decision was for mitigation and to have some barrier from the backyard expanding, the shrubs would be dispersed between the backyard line and the fence. Atty. Proto is proposing to remove the fence, if the fence was to stay it would be a taking of the property by limiting access, (taking 50' of Beyer's and the Daniel's property). Atty. Proto stated that the purpose is to delineate the Town's property from the private property and to create a barrier so people do not cross from one yard to the wetlands. Plan B accomplishes this. Commissioner Lauria stated that there should be concentration on mitigation and restoration. Atty. Proto is trying to balance the area that is exposed and the area that is under the canopy, he is not convinced what is planted under the canopy would survive, suggesting a

reduction of plantings and allowing the property to be used by the private owners, he is trying to balance everyone's needs, the interests do not always dovetail.

Motion made (Lauria) seconded (Chamberlain) to RECEIVE Application 12-22 (Benjamin Proto)

VOTE: Motion CARRIED unanimously.

By unanimous consent the Inland Wetlands and Watercourses Commission took Application 12-24 as the next item of business.

Application 12-24, Alfred Ayme - Permit approval to construct an open rear deck within a regulated at 35 Horseshoe Drive.

Mr. Al Ayme of 35 Horseshoe Drive was present, he and his wife recently purchased this property and are in the process of remodeling the home, they would like to construct an open deck at the rear of the house it will be done in a professional way, there will be no change to the footprint of the home, the corner of the deck, at its closest point to the pond is 70'.

Motion made (Lauria) seconded (Chamberlain) to RECEIVE Application 12-24 (Alfred Ayme)

VOTE: Motion CARRIED unanimously.

Application 12-23, Frank Smeriglio, Town Engineer Town of Trumbull - Permit approval to add 5,100 linear feet of multi-use trail, replace the Trumbull Road Bridge, parking area to be constructed within an existing pavement area, riparian restoration and selective removal of invasive species within a regulated area through along Quarry Road, Trumbull Road and River Road.

Mr. Frank Smeriglio, P.E. L.S. Town Engineer was present and indicated the application before the commission is a request to construct a project, Phase D&E of the Pequonnock Trail project. Trumbull, River and Quarry Roads are involved. The project involves the federal government, the state and the Greater Bridgeport Regional Council. It is Trumbull's intent to install a multi-use trail throughout the town. There are federal funds available to construct the project; whenever federal funds are used, the GBRC is involved. Mark Nielson of the GBRC is involved in the design as well as the state and the federal government. Once the state has approved the design they will turn it over to the Town to build.

Mark Nielson, Senior Presentation Planner of the GBRC. This project is part of a 16 mile multi-use trail that had started in 1992. This is a multi-town project; the decision was made many years ago by the first selectman of Trumbull, Monroe and the City of Bridgeport to use the region as the administrator/coordinator of this project. The GBRC is doing much of the administrative work but this is a Town project. Mr. Nielson reviewed the plan of the trail, it had been divided into 5 sections (A-F) section D&E are the discussion of this meeting. Bringing the trail closer to Quarry Road lessens the impact to the wetlands, but will remain in the regulated flood plain. The idea is to minimize the impact as much as they can by mitigation and restoration, such as by the River Road section. Trumbull Road and River Road were abandoned in the 1980's when the overpass for Route 8 was built, the pavement is still there (approximately 24' wide) it has become overgrown, part of this project involves milling out all of the old asphalt and building a 10' wide trail using a permeable material. This will help the condition of the river and the wetlands nearby. They will also eliminate the native invasive species as much as possible, clean up the area and do landscaping and replanting to restore the buffer. Many of the ideas included in this project have come from the Pequonnock River Watershed Management Plan recently completed, where they have recommended repairing the buffer wherever possible adding rip-rap to the river to stabilize the streambed as needed. These actions will mitigate the fact that they are losing a number of trees. Mr. Nielson reviewed with the commission multiple visuals of what the trail would be like; the visuals were submitted for the record. The Trumbull Road Bridge will be replaced; it is a simpler than a renovation. This will help the flow underneath the bridge because the structure of the bridge, the deck will

be slightly less, therefore it will be slightly higher underneath during flood conditions. The structure would be designed to be natural looking, there will be fishing platforms provided and other landscaping in the area for people to use. Mr. Nielson reviewed the River Road section visual with the commission. The area would be cleaned of debris and landscaped to provide a natural buffer. The section would be approximately 5,100'. Section F of the trail is in Bridgeport, they are hoping to build all three (3) sections at the same time, the Trumbull section would be managed by Trumbull and the Bridgeport section would be managed by Bridgeport. Funding became available to do the three (3) sections this year. Mr. Nielson indicated for Commissioner Fox that Web Mountain is used for mostly hiking and would not be ADA compliant, this project started as a multi-use trail for people on bicycles and wheelchairs and for people with other mobility issues. The project has been designed for twenty (20) years and has Town support since its inception; GBRC has worked very closely with the Town. This has been designed to a high standard. Mr. Smeriglio indicated that when the project gets to River Road down to the Trumbull line they will be using the pervious asphalt. Mr. Don Luccier of Fuss & O'Neil of 146 Hartford Road, Manchester, Ct. Fuss O'Neil is the designer for the project they are proposing for the River Road section of the trail a pervious bituminous pavement which consists of about 4" of the pervious pavement, it is a specialty pavement mixed as a batch under controlled conditions, essentially a bituminous pavement without the fine aggregate, they add extra additives to bind it together, it has a much greater permeability than stone dust. Trails are not typically plowed or maintained in winter, they are used for non-motorized sports. The pavement section consists of the 4" of the pervious pavement installed in one lift with 18" of different gradations of clean washed stone as base courses. which acts as a reservoir for the water, It gives the water time to collect and then permeate to lower soils and stone. The material has been tested in freezing environments and has performed very well.

Mr. Smeriglio referenced a letter (See Attached) to the Mr. Lucier dated June 4, 2012 which includes Inland Wetland comments for the commission's review. Mr. Smeriglio reviewed the letter with commission. With the right planting plan they can provide a good layout.

The Chair stated that Mr. Smeriglio, Mr. Maurer and Mr. Paris all walked the site/trail.

Mr. Nielson stated that the bridge replacement has been reviewed by the DOT, the replacement concept has been approved by the Dept. of Hydraulics and Drainage section as meeting the intent of the regulations, they review the flood management certification on behalf of the DEP, and it is routed through the DOT's jurisdiction. The approval was easier because it is an existing bridge; it is the best feasible option. Mr. Nielson indicated that wetlands found is as a result of an obstructed catch basin, it is as the state defines a low function, low value wetland soil. It is a total of 1,300 plus s.f. The total project is 4.7 acres; the direct wetland impact is .03 acres. They were able to design around almost all wetland impacts. The project design is s no net fill, this section of the project is an increase of 1,900 cubic yards of flood storage, most done through regrading and some removal of existing fill by Trumbull Road. There will be no net increase to the run off and will read as no impact after a slight increase of impervious areas along Quarry Road due to the removal of pavements and replacement of pervious surface along River Road. In net they are actually decreasing run off. The project qualifies as a category 1 certification which is a one page notification letter sent to the Army Corps of Engineers. This is under 5,000 s.f. of wetland disturbance and less than 200 linear ft. of stream bank stabilization which is why it qualifies for a category 1, programmatic general permit. He was not sure if he would agree with the interpretation of "any filling" would require a permit under the new general permit. There will be a proposed parking area for the trail, with 20 spaces (including handicap accessible parking spaces), almost all of the area is currently paved, they will increase the size slightly at the northern end, but will be removing paving in other locations in order to install the parking. They wanted to maintain the existing Trumbull Road surface as an access way to the parking lot. Because it is a low function value wetland they did not want to have an unnecessary

trail crossing of the driveway, it was not a wetland worth putting trail users at risk to save that wetland. Mr. Smeriglio indicated that this road currently serves as an entrance to that property, there are huge piles of dirt in the area, they can not put the trail where there is an entrance to the property, and the contours are piles of dirt for users of the building. Mr. Nielson indicated that they could have missed the wetland but it would have meant substantial disturbance and excavation. Mr. Luccier stated that they had been out there with DEEP and were supportive using the material on the trail to demonstrate that it is durable; if it does what it was intended to do it will help keep the run off. There are no curbs in this project; there are short sections of curbing in Bridgeport for erosion control. The landscape architect who prepared the Repair and Buffer report included in the application is Mr. Swawicke. If the commission would like a Repair and Buffer stamped by a licensed L.A. in could be provided.

Motion made (Lauria) seconded (DeFeo) to RECEIVE Application 12-23 (Frank Smeriglio, Town Engineer)

VOTE: Motion CARRIED unanimously.

WORK SESSION:

The Chair opened the Work Session at 11:12 p.m.

Application 12-20, Robert and Melissa Daniel-Permit approval to revisit the commission's January 3, 2012 decision with regards to the fence and removal of five (5) rotting and hazardous trees with stump grinding within a regulated area at 638 Booth Hill Road.

Motion made (Fox) seconded (DeFeo) to APPROVE Application 12-20 (Robert and Melissa Daniel) for discussion purposes.

Commissioner Fox withdrew the motion and Commissioner DeFeo withdrew the second.

Motion made (Chamberlain) seconded (Lauria) to APPROVE Application 12-20 (Robert and Melissa Daniel), as submitted, subject to the General Conditions as established by the Commission and the following specific conditions:

1. All conditions of approval of Application 11-37 shall remain in effect except as amended herein.
2. Five (5) decaying and rotted trees shall be removed and the stumps ground as identified in the application.
3. The split rail fence location shall be moved to within 1' of the easterly property line.
4. Planting shall be as submitted by the applicant as plan prepared by Treeland.
5. All work shall be completed no later than October 1, 2012.

VOTE: Motion CARRIED unanimously.

Application 12-21, Robert Jr. and Elizabeth Paoella-Permit approval to install an 18' x 36' in-ground pool 70' from the wetlands, a separation tank will be used to eliminate backwash within a regulated at 10 Sarenee Circle.

Motion made (Chamberlain) seconded (DeFeo) to APPROVE Application 12-21, (Robert Jr. and Elizabeth Paoella), as submitted, subject to the General Conditions as established by the Commission.

VOTE: Motion CARRIED unanimously.

Application 12-22, Benjamin Proto-Permit approval to revisit the commission's January 3, 2012 decision with regards to the fence within a regulated area at 634 Booth Hill Road.

Motion made (Lauria) seconded (Fox) to APPROVE Application 12-22 (Benjamin Proto) for discussion purposes.

Commissioner Lauria withdrew the motion, Commissioner Fox withdrew the second.

Motion made (Chamberlain) seconded (Fox) to APPROVE Application 12-22 (Benjamin Proto), as submitted, subject to the General Conditions as established by the Commission and the following specific conditions:

1. All conditions of approval of Application 11-36 shall remain in effect except as amended herein.
2. The location of the split rail fence shall be within 1' of the rear or the easterly property line; the fence shall run approximately 80' from the northeast corner of the property proceeding south up to the approximate intersection with the existing knoll.
3. The planting shall be as per the plan submitted as Plan B by the applicant.
4. Under the direction of the Inland Wetland and Watercourses Commission Agent the applicant must engage a licensed surveyor to reset the survey marker at the property line at the southeast corner.
5. All work shall be completed no later than October 1, 2012

VOTE: Motion CARRIED unanimously

Application 12-24, Alfred Ayme - Permit approval to construct an open rear deck within a regulated at 35 Horseshoe Drive.

Motion made (Lauria) seconded (Fox) to APPROVE Application 12-24, (Alfred Ayme), as submitted, subject to the General Conditions as established by the Commission.

VOTE: Motion CARRIED unanimously.

Application 12-23, Frank Smeriglio, Town Engineer - Permit approval to add 5,100 linear feet of multi-Town of Trumbull use trail, replace the Trumbull Road Bridge, parking area to be constructed within an existing pavement area, riparian restoration and selective removal of invasive species within a regulated through along Quarry Road, Trumbull Road and River Road.

Motion made (Chamberlain) seconded (Fox) to APPROVE Application 12-23 (Frank Smeriglio, Town Engineer), as submitted, subject to the General Conditions as established by the Commission and the following specific conditions:

1. The application shall conform to the General Conditions of the Commission.
2. The final engineering plan shall be subject to the approval of the Town Engineer.
3. The final planting plan shall be subject to the approval of the Town Engineer and the Parks Department Supervisor.
4. All issues raised in the review letter prepared by Frank Smeriglio, P.E., Town Engineer dated June 4, 2012 shall be addressed. (Letter Attached)

VOTE: Motion CARRIED unanimously.

Application 12-19, Gary Williams and Ellen Grosso - Permit approval to remove trees, brush, litter, debris, add plantings, replace an existing deck, add stone patio and walk on-grade, general clean up/maintenance and install a 12' x 36" above ground seasonal pool within a regulated area at 24 Indian Road.

The Commission agreed by unanimous consent that the following information shall be provided by the applicant for the Public Hearing continued to the July 3, 2012 meeting:

- A Planting plan.
- The Town Engineer shall review the applicant's soil scientist report; based upon said review the Town Engineer will determine whether a survey is necessary.

MINUTES – Motion made (Lauria) seconded by (Chamberlain) to ACCEPT the May 1, 2012 meeting minutes as submitted.

VOTE: Motion CARRIED unanimously.

There being no further business to discuss and upon motion made (Lauria) seconded (Chamberlain) the Inland Wetlands and Watercourses Commission adjourned by unanimous consent at 12:07 a.m.

Respectfully Submitted,

Margaret D. Mastroni, Clerk

Frank M. Smeriglio, PE,
Town of Trumbull Engineer
203-452-5053

TOWN OF TRUMBULL CONNECTICUT



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5866 Main Street
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June 4, 2012

Don Lussier
Fuss & O'Neill
146 Hartford Road
Manchester, CT 06040

RE: IWWC – #12-23 Pequonnock River Trail Phase D/E

Dear Mr. Lussier,

Based on the review of the plans and application submitted on May 21, 2012, the following items shall be addressed:

Quarry Road

- 1) Along the east side of the trail, submit proposed tree planting plan along the east side of the trail for our review.
- 2) Along the east side of the trail, depict on the plans, all trees at the outer edge of the clearing and grubbing limits that will remain and need to be protected.
- 3) Final grading plan shall be reviewed and approved prior to bidding.

Trumbull Road & River Road

- 4) Revise note 4 on sheet L-110 to indicate "Remove trees 5 inch caliper size and less, cut stumps flush with ground and remove invasive species from the Clearing and Grubbing limit to the Invasive Species Removal limit line – No heavy machinery shall be used in this areas".
- 5) Along the north side of the trail between stations 141+20 to 142+20, add "Invasive Species Removal" clearing limit approximately 80 feet to the north of the trail.
- 6) Along the west side of the trail near station 145+00, install additional rip rap in between the existing rip rap in lieu of plantings.
- 7) Along the west side of trail at station 145+00, investigate the potential of installing rip rap materials behind the existing wall to help prevent scour and remove branch debris.
- 8) At station 146+20, remove fallen tree on the east side of trail.
- 9) Along the east side of the trail between stations 147+40 and 149 +20, expand the clearing and grubbing limits approximately 40 feet.

IWWC #12-23 Pequonnock River Trail
June 4, 2012
Page 2 of 2

- 10) Along the east side of the trail from stations 149+20 to the end, add 15 feet width of "Invasive Species Removal" clearing limits and depict proposed tree plantings for our review.
- 11) Add a note to the plans indicating, contractor shall selectively trim overhanging branches on existing trees along the trail under the supervision of the engineer.

General Overall

- 12) Engineer of record shall submit certification statement that all proposed improvements shall withstand flood forces generated by the river.
- 13) Final construction plans shall be submitted to Engineering for review and approval.
- 14) Final approval from the State of Connecticut for the river analysis adjacent to the proposed bridge shall be obtained.
- 15) Submit drainage calculations summarizing existing and proposed impervious areas and provide no impact statement.
- 16) Overall plan, depict all intended trees to be removed or saved.
- 17) Final overall planting plan shall be reviewed and approved by staff.
- 18) Location of gate and proposed plantings near Beardsley Pump Station shall be revised to provide proper turning radius for sanitation equipment.

Please do not hesitate to call me if you have any questions.

Sincerely,

Frank M. Smeriglio, P.E.
Town Engineer