

INLAND WETLANDS AND WATERCOURSES COMMISSION

**Town of Trumbull**

CONNECTICUT

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TOWN HALL  
Trumbull

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January 8, 2013  
MINUTES

MEMBERS PRESENT: Richard Girouard, Chairman  
Arlyne Fox, Vice Chairman  
John Lauria, Secretary  
Carmine DeFeo  
Kevin Chamberlain  
Jeffrey Wright

ALSO PRESENT: William Maurer, LS, Civil Engineer

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

Commissioner Lauria read the Public Hearing Notice into the record at 7:35 p.m. 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, January 8, 2013 at 7:30 p.m. in the Trumbull Town Hall Courtroom, 5866 Main Street, Trumbull, Connecticut, on the following application:

Application 12-45-Quarry Road Lot 2, LLC,  
(c/o R.D. Scinto, Inc.)  
Robert D. Scinto, member  
(Modification of Application 11-06)  
(Application 12-45 Resubmitted from  
November 13, 2012 Agenda)

Permit Approval for selective tree cutting and control of invasive plant species within approximately 2.7 acres of land lying within State of Connecticut Right-of-Way the adjoining portions of the Lots 2 and 3 to improve the quality of vegetative/wood land environments and visibility of site within a regulated area at 100 Quarry 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 26<sup>th</sup> day of December, 2012.

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

The Chair opened the Public Hearing at 7:36 p.m.

Application 12-45-Quarry Road Lot 2, LLC, (c/o R.D. Scinto, Inc. Robert D. Scinto, member)  
(Modification of Application 11-06) (Application 12-45 Resubmitted from November 13, 2012  
Agenda)-

David Bjorklund, P.E., registered in the State of CT and President of Spath Bjorklund Associates with offices in Monroe, CT was present representing the applicant. The purpose of the application is to enhance the view shed of the new medical building constructed at 100 Quarry Rd. There are other benefits with this application, the area where they are proposing the work has invasive species (a vine that has covered most of the trees in the area). They are proposing to do a selective removal of vegetation in the area and to plant higher grade plants.

Mr. Bjorklund submitted a revised plan to the commission. The revised plan is based upon several meetings and the Field Inspection. The proposed area was reduced in size, based on the fact there were several large trees in the original proposed area and the building was already blocked by a White Pine buffer located at the NW corner of the lot which was included in the original P&Z requirement. The limit of the work to be done in that area was pulled back as well as in the SW section of the property, this was due to the fact it would be too difficult to work in that area. Based on the commissioners' concerns heard on the Field Inspection with regard to the clear cutting of the area and their request to save certain trees, the revised plan has been submitted at this meeting. The revised plan proposes to save some of the significant trees located along the slope, 7 Black Birches, 2 Tulip trees, 14 Maples and 8 Oak trees, 9 Cedars that the State of CT requested and 3 White Birch trees. The proposed trees to save are approximately 8"-10" and 24" wide (24" trees are the oak trees located in NW corner of the property). All of the trees except for the Cedars and the White Birches have invasive vines growing on them. They propose to remove and kill the invasive vines. The other trees in the area are small Red Maple trees less than 8" in diameter and range in density. They will preserve the 31 trees noted and the other 12 that the State has requested that leave there. They will go back after they are removed with the planting plan. The trees will be removed by crossing the brook by hand, there will be no mechanical equipment crossing the watercourse. A crane will be staged in the parking lot of the medical building and the movie theatre. The debris will be removed by the crane. The invasives will be controlled moving forward. This application is not about direct or indirect environmental impact to the wetlands, but is an application about removing invasive species and undergrowth that has been allowed to over grow and going back in to do a planting that can be maintained moving forward.

Eric Davison, Registered Soil Scientist and Certified professional Wetland Scientist of Environmental Planning Services in West Hartford was present and indicated changes to the plan had been made based on the commissioners' feedback on the site-walk. A letter submitted on his behalf was submitted with the original application. Mr. Davison submitted a revision to that letter at this meeting; the letter outlines the three basic steps to remove the vegetation. On the final page there is a series of sequencing notes to be followed by the contractor in the field. Mr. Davison suggested using the sequencing notes as conditions of approval. Mr. Bjorklund has added them to the plan, indicated on the plan as "Tree Removal Sequencing Notes". The trees that are shown on the plan will remain, everything else will be removed. The majority of the trees are Red Maples. Red Maples after they are cut stump sprout rigorously and over time have a heavy regrowth, he advised the client since they are not going to grub out the stumps to use a licensed herbicide applicator to apply the herbicide on the stumps. The client will haul the trees out by crane. Since the herbicide

applicator will be on-site they will have some invasive species control done on site. The vines will be cut and herbicide will be applied to keep those from re-sprouting. They are not offering complete control of the invasives that would be impossible on a highway side such as this. The third step is planting, after partial or a full growing season they will see where the areas are void of vegetation. Once the canopy is opened up they expect vigorous growth due to the response to the sun light. They are trying to limit the expense of re-planting especially since the area may generate its own re-growth. Before the Field Inspection they were looking for a clear-cut and after hearing the commission's feedback they believe this to be a fair compromise. The herbicide is a chemical that trans-locates, it is drawn into the root system, there will be no spraying on the ground. They will use Rodeo or Round up. The trees are not submerged in water.

Mr. Bjorklund indicated for Commissioner Fox that the fence was shown on the original site plan as being installed; cutting shrubs would need to be done to install the fence.

Commissioner Lauria stated that when he had gone on the Field Inspection he was under the impression that the trees marked were the ones that were going to come down. What was agreed upon at the last meeting was not done, the opposite was done, and his field inspection does not count. Based on his Field Inspection he has concerns of what has already been done in the area.

Mr. Davison confirmed for Commissioner Chamberlain that the proposed work would be done in the winter. All of the trees marked will stay, all others will be removed. Based on the areas void of vegetation and in conjunction with the IWWC Wetlands' agent the decision as to where to re-plant will be made. The planting will be based on an 8'-12' spacing and will include field adjustment where necessary.

Mr. Davison clarified for Mr. Maurer that the new planting height would be 3'-4' container plants, that is the maximum size for a wild life grade, at maturity they would be 10'-20' or 8'-20'. The remaining trees that will remain would be at the following heights in 4-5 years, the Red Maples top out at 70', the oaks and the Tulips would be 100'-140' high. The majority of the trees to remain would be at 70' or so.

Commissioner Fox reiterated her comments from the last meeting that she believes this work will change the character of the Town and questioned why it is necessary to take these two rows down. Mr. Davison indicated that the concern is the view during the summer not the winter; they have made every effort not to affect the environment and wetlands and will incur considerable expense in doing so. He understands the concern for the visual character; they have taken that into consideration by putting some trees back into the plan.

Mr. Bob Scinto, applicant and owner of the property was present and indicated that they are trying to improve the image of the area, in the summer when people drive through will be able to see the medical building and the theatre. It will be easier to find, become more successful resulting in a better economic effect on the community. At the same time they would like to clean up the wetlands and save the major the trees. The medical building is a benefit to the community; they are trying to get a little help by making it more visible from the highway and at the same time to make an improvement to the wetlands.

The majority of the commission agreed the site should be re-walked. Commissioner Chamberlain stated that the public did not have a chance to review the revised plan. Mr. Scinto and Mr. Bjorklund had no objection to a continuance on this application

Joan Parson a member of the Conservation Commission and a licensed landscape architect was present and indicated what had been heard at this meeting is encouraging, the original application lacked information. She had visited the site and was also confused by the trees marked with the yellow ribbons; she now understands that the trees marked are those that will stay, this is not a lot of trees being saved relative to what is out there. The Red Maples being removed do provide a function to the wetland; they clean the water, help with retention, increase absorption and help flood control. The trees provide shade, filter the air, store water, stabilize soil against flooding & erosion, produce oxygen and reduce carbon dioxide. There are a good number of vines on the trees, removal of the vines is appropriate but removal of trees to remove vines is not. Once removed there is no assurance that they will not grow although they have heard a change in the plan that the regrowth of the vines has been addressed. The applicant should provide a detailed clearing plan that details which trees and shrubs are to be cleared and which plants will remain. The site should be clearly marked so the commission can revisit the site to see what would be left after the cutting is done, that does seem to be the direction this is taking. The applicant should provide a detailed planting plan; which has been submitted and could be an important portion of the conditions of approval. A maintenance agreement should also be included to make sure that the remediation plan would grow free of invasives into the future. The applicant will gain a property showcased with an attractive natural buffer, with framed views of their buildings as well as the appreciation of all for maintaining a roadside stretch that is normally a refuse dump with invasives and does not diminish the value of this important wetland.

Motion made (Fox), seconded (DeFeo) to CLOSE the Public Hearing.  
The Public Hearing closed at 8:16 p.m.

### **REGULAR MEETING**

The Chair opened NEW BUSINESS at 8:17 p.m.

### **NEW BUSINESS:**

Application 13-01, Tina Beyer-Permit approval to install an additional 3 sprinkler heads, rip rap, add approximately 5 yards of fill, install invisible fence wire and in lieu of the January 3, 2012 condition of approval of installing a split rail fence, allow (60) shrubs and trees to create a barrier within a regulated area at 634 Booth Hill Road.

Ms. Tina Beyer of 634 Booth Hill Road was present and indicated that she had planted 60 plants and shrubs, she had been asked to plant only 30. The plantings go completely across the property, there is no opening it is a complete barrier to the back area. Also requested is to install three additional sprinkler heads so the plantings can thrive, there is full sun in the area. Ms. Beyer also is seeking permission to install the invisible fence wire along the border line to contain her dog. Ms. Beyer reviewed the photographs submitted with her application. The picture represents an area of the yard that is indented creating an area that ponds, she would like to bring in 5 yards of fill for that area to be raised up. Referring to the second photograph submitted with the application of a mounded area planted with trees, Ms. Beyer indicated that she would like to install a small retaining wall to keep the erosion from going into the pond. Currently there is landscape material and rocks holding the material in place for the winter.

Ms. Beyer asked the commission for permission to not install the split rail fence, the plantings there will grow lush and full and as high as 4', the plantings on the right will be much higher than the 4' they are full sized trees. The natural barrier she planted will feed the deer; the water will flow through it as well. Ms. Beyer requested additional time, possibly until the first of June, 2013 for the retaining wall due to the fact that it is winter and the mortar will not set. Ms. Beyer indicated for Mr. Maurer that the wall could be made with mortar if the commission wanted. Mr. Maurer clarified that if the wall was made loose without mortar it would be considered rip rap. Ms. Beyer clarified for Commissioner Lauria that she had not installed the split rail fence to date and was seeking permission to allow the plantings to act as a natural barrier instead, she had hired a lawyer and had worked with the Town attorney on this matter and is now asking the commission to allow the plantings in lieu of the fence. The cost of the fence is not the issue; it is the meaning of the fence that is the problem.

Mr. Maurer stated that there is a small depression near the border but believes it drains off after it stops raining. Mr. Maurer indicated that 5 yards of fill seems like a lot. Ms. Beyer explained that extra fill is needed to level the depression with yard; most of the 5 yards is not within the 100' regulated area. The water will flow in the back section as it always did; it will go down to the neighbors and into the pond. Mr. Maurer stated a section of the berm was removed by the neighbors; this fill would keep the area from puddling before it gets to the break in the berm. Ms. Beyer reiterated that she did not want the fence, it is unsightly, artificial and it is not organic, when you look into the woods you do not want to see a fenced in border and feels like she is being punished.

Ms. Beyer indicated for Mr. Maurer that of the 60 plants 30 were trees and 30 were shrubs, approximately 12 Pines, approximately 15 Arborvitae, Blue Spruce, and Norwegian Spruce. Ms. Beyer stated that she could provide an inventory of the plantings.

The Chair confirmed that the commission had read the letter submitted by the Daniels

Motion (Chamberlain), seconded (DeFeo) to RECEIVE Application 13-01.  
VOTE: Motion CARRIED unanimously.

Application 12-43, Serge G. Mihaly-Permit approval to remove silt to recreate former pond with outlet and bridge reconstruction within a regulated area at Map I-10, Parcel 29 located on the north side of Unity Road, 250 ft. west of Booth Hill Road.

The Chair stated that there is a letter dated January 7, 2013 from the Town Engineer and the Town Civil Engineer in which there are 11 items listed that in essence makes this an incomplete application.

Mr. Bombero of Bombero Associates with an office in Trumbull, CT was present. Mr. Paul Bombero submitted a letter addressing the 11 items and explained that the plans submitted are unchanged. The run off calculations have been submitted, the only item that still needs to be provided is the back water calculations. Mr. Maurer stated a plan dated 12-21-12 has been submitted and does show bridge detail minus the length. The length has been corrected in Mr. Bombero's letter submitted at this meeting. It does appear that most of the 11 questions have been answered except for the back water calculations.

The application before the commission is a 2.8 acre parcel with a filled in pond that has a wall around the entire pond, this existed prior to filling in with sediment for the past 30-40 years. The proposal is to remove the sediment that has built up and create a pond with a depth of 6'; the outlet would be the construction of concrete where the elevation is 148. The proposal would have a 3-sided culvert allowing the stream bed to remain intact and would allow for access to the rear of the property. The proposal would enhance the area and allow for some aquatic life to inhabit the pond area. The purpose of the bridge is to have access to the rear of the property. There is an existing concrete slab that allows for crossing of the pond, it has been there for many years and the integrity is not. The bridge is for access and would like it to be substantial enough to drive over it. The plan includes standard details and could be drawn to be more specific to the site. It is proposed at a 12' length; most likely they would do two 6' sections. The plan shows the bridge where the existing crossing was, at this time they are not proposing headwalls on either side just the culvert. There is an existing wall that comes up on both sides to the existing structure; they could bring those walls into the culvert. The cross section would be utilized the length is not shown on the plan. The footings will be 2' below the stream and further on the uphill side, as the stream exists it has quite a bit of slope to it. Mr. Bombero stated that the engineering drawings would be received after the product is ordered, if the footings need to be wider than 2'10" that is when they would make those specifications. Thrushwood Lake is right above this area, the stream comes from the back of Parker's Dairy, the stream does slope considerably right now it has a minimal flow, less than 2 CFS. It is a narrow stream that passes through there are no vernal pools associated with it

Motion (Fox), seconded (Lauria) to RECEIVE Application 12-43.  
VOTE: Motion CARRIED unanimously.

The Chair CLOSED new Business at 8:52 p.m.

**MINUTES** - Accept December 4, 2012 meeting minutes.

Motion (Lauria), seconded (Chamberlain) to accept the December 4, 2012 as submitted.  
VOTE: Motion CARRIED unanimously.

### **WORK SESSION:**

The Chair OPENED the WORK SESSION at 8:54 p.m.

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

#### **Application 12-45, Quarry Road Lot 2, LLC, (c/o R.D. Scinto, Inc.) Robert D. Scinto, member:**

Motion (Lauria), seconded (Chamberlain) to CONTINUE Application 12-45, Quarry Road Lot 2, LLC, (c/o R.D. Scinto, Inc.) Robert D. Scinto, member to the February 5, 2013 meeting.  
VOTE: Motion CARRIED unanimously.

#### **Application 13-01, Tina Beyer:**

Motion (Lauria), seconded (Chamberlain) to approve Application 13-01, Tina Beyer for discussion purposes only. Commissioner Chamberlain withdrew his motion.

Motion (Chamberlain), seconded (Wright) to approve Application 13-01, Tina Beyer subject to the General Conditions as established by the Commission and the following specific conditions:

- The split rail fence shall be installed in accordance with prior approvals of Application 11-36 and Application 12-22.
- The split rail fence shall have one opening no greater than 3' wide.
- The fence shall be installed no later than April 1, 2013.

VOTE: motion CARRIED 5-0-1 (ABSTENTION: Lauria)

**FEE WAIVER REQUEST**

By unanimous consent the Inland Wetlands and Watercourses Commission agreed not to waive the fees for Application 13-01, Tina Beyer.

**SCHEDULE FIELD INSPECTIONS:**

By unanimous consent the Inland Wetlands and Watercourse Commission scheduled the Site Walk for Application 12-43, Serge G. Mihaly and Application 12-45, Quarry Road Lot 2, LLC, (c/o R.D. Scinto, Inc.) Robert D. Scinto, member on Thursday, January 17, 2013 leaving the Town Hall at 3:15 p.m.

**VIOLATIONS:**

Mr. Maurer reported that two notice of violations were sent out: 22 Mohawk Drive and 15 Corporate Drive. Mr. Maurer reviewed the violations with the commissioners and noted that he had been in contact with the owner of 22 Mohawk Drive but had not been in contact with the owner of 15 Corporate Drive to date. The owners will have to contact the office, make application and appear before the commission. If they do not respond a Cease and Desist Notice/Order would be filed on the land records.

There being no further business to discuss the Inland Wetlands and Watercourses Commission adjourned by unanimous consent at 9:17 p.m.

Respectfully Submitted,

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Margaret D. Mastroni, Clerk