

INLAND WETLANDS AND WATERCOURSES COMMISSION

Town of Trumbull

CONNECTICUT

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TOWN HALL
Trumbull

TELEPHONE
(203) 452-5005



MINUTES
July 2, 2013

MEMBERS PRESENT: Richard Girouard, Chairman
Arlyne Fox, Vice Chairman
John Lauria, Secretary
Kevin Chamberlain
Carmine DeFeo
Jeffrey Wright (arrived at 7:48 p.m.)

ALSO PRESENT: William Maurer, LS, Civil Engineer

CALL TO ORDER: The Chair convened the meeting at 7:39 p.m. All present joined in the Pledge of Allegiance led by Commissioner Fox.

PUBLIC HEARING

Commissioner Lauria read the Public Notice into the record as follows:

TRUMBULL INLAND WETLANDS AND WATERCOURSES COMMISSION
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, July 2, 2013 at 7:30 p.m. in the Trumbull Town Hall Courtroom, 5866 Main Street, Trumbull, Connecticut, on the following application:

Application 13-33, Vincent Lombardo, Jr. - Permit approval to remove sixteen (16) trees within a regulated area at 6 Lynnbrook 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 19th day of June, 2013.

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

The Chair OPENED the Public Hearing at 7:40 p.m.

Application 13-33, Vincent Lombardo, Jr. - Permit approval to remove sixteen (16) trees within a regulated area at 6 Lynnbrook Road.

The certificates of mailings were submitted for the record. Attorney Robert Rosati with offices at 3240 Main Street, Stratford, CT was present on behalf of the applicant and owner of record. The applicant wants to make the backyard safe for his family. There is no significant impact, no substantial impact to the wetlands and the wetlands will not be changed. There will be no sedimentation or pollution problems. If necessary they will agree to the use of hay bales or silt fence, although they do not think it is necessary. They are planning on replenishing the wetlands with new plantings. They want to get the tree work done before another storm hits to prevent injury to anyone.

Atty. Rosati re-submitted for the record what had previously submitted:

- The report from Edgar's Tree Care stating that the trees do have problems. (No change made from original submission)
- William Kenny May 1, 2013 Report (No change made from original submission)
- Survey – Atty. Rosati noted that a change had been made

Atty. Rosati indicated that the Town's Tree Warden had been to site and confirmed the trees are damaged and/or diseased. The survey now shows the right-hand back corner of the property as having a small section of wetlands. The first 50' on their property (closest to the wetlands) is also made clearer on the survey. Eight (8) trees have been proposed to be removed from the first 50' area. There are no trees being removed from the Town's property. The green area represents species of plants to be planted if the commission agrees. (Commissioner Wright arrived at 7:48 p.m.)

There will be no fill used. The next 50' leads to the lawn area-no chemicals will be used.

Commissioner Lauria noted that the trees to be cut down are marked with orange x's, this needs to be corrected because there are some trees near the watercourse marked with orange x's that are not being cut down and does not want them to be cut by mistake. Atty. Rosati explained for Commissioner Chamberlain that they can delineate the wetlands area with birdfeeders or stakes, not boulders. Atty. Rosati agreed to have Mr. Kenny come to the site to make adjustments. Atty. Rosati confirmed for Commissioner DeFeo the tree that may be on Town property but could also be on the applicant's property (it is hard to distinguish whose tree it is) will not be removed. The four (4) trees leaning that are marked are the neighbor's trees and will not be cut, the neighbor asked for those to be marked and hoped they would be removed, they have since told her they cannot take them down. Mr. Maurer suggested the trees that are marked with orange x's that are not going to be cut down be painted over with black paint so there will no mistake. Mr. Maurer also suggested and Atty. Rosati agreed to a filing a map showing monumentation (pins/points) on the Trumbull Land Records.

Motion (Fox), seconded by (Chamberlain) to CLOSE the Public Hearing.

VOTE: Motion CARRIED unanimously.

The Public Hearing CLOSED at 7:58 p.m.

REGULAR MEETING

NEW BUSINESS:

The Chair opened New Business at 7:59 p.m.

Application 13-37, Sara L. Fleiss - Permit approval to trim dead tree branches over pond, Remove three (3) dead/dying trees, trim low growth 2' from fence, possibly remove down Pin

Oak 10' from house, replace existing roof and possibly add solar panels within a regulated area at 20 Indian Road.

Ms. Sara Fleiss of 20 Indian Road was present and indicated due to problems around the pond she wanted it publically known that she wanted to clean up the area and repair the fence. The house was built in the 1950's and is closer than 100' to the water. Mr. Maurer stated the three (3) trees proposed to be cut down are outside the 100' buffer and believes should be removed from the application as well as the roof and the solar panels and does not have a significant impact to the wetlands. The fence is existing; the repair would be considered maintenance to property already in place and an insignificant impact to the wetlands. The Pin Oak could impact the wetlands and is within 10' of the house and within striking distance. The commission should allow the removal of the tree due to safety reasons and should be the only item considered for this application and possibly be an agent approval. The removal of low growth near the fence would not affect the wetlands. The Chair clarified that this application could have been done as an agent approval but is before the commission. The tree is almost 100' from the wetland.

Motion (Fox), seconded by (Lauria) to RECEIVE Application 13-37.
VOTE: Motion CARRIED unanimously.

Application 13-41, Manuel Jose Silva - Permit approval to remove stock piled material, restore the area to its historical grade elevation, plant wetland appropriate plants within a regulated area at 87 Saxony Drive.

Manuel Silva, Civil Engineer with the Rose Tiso Company representing the applicant was present. The owner moved into the property a year and half ago, the owner and the real estate agent researched the property. The real estate agent went to the Town and did her due diligence and there were not wetlands on the site. There is an intermittent stream off-site towards the back that goes to a small pond. The owner did not know there were any wetlands and was notified that there was possibly wetlands onsite after the material was brought on site. Mr. Silva submitted the proposed plan. In the upland review the applicant would like to remove the material deposited and restore it to its previous condition, cut down approximately four (4) trees and remove some ferns. They would like to reestablish the ferns and plant 4-5 Pin Oak trees, or whatever would please the commission. They will then go to P&Z to submit an application for a deck, patio and a small addition to the driveway. To do this they will construct some drainage structures with galleries. The drainage structure will reduce the run-off. The system has been designed for the 10-year storm as existing is 1.77 and is being proposed at 1.68, the 25-year storm existing is 2.32 and the proposed will be 2.27. This will reduce the run-off, but not by much, they do not want to starve the wetlands, but do want to control any additional run-off from the addition to the driveway. They will respect the area and restore the area to what it had been. As soon as it is restored they will install silt fencing. The modular shed is not in compliance with P&Z and will be relocated. This will be a minor impact to the wetlands. They will go for a special permit for the fill from P&Z to level the deck and driveway area. They will come in with a back-hoe and will move the material deposited and re-establish ferns and trees. The owner had spoken to someone who would drop off the fill; they brought 300 yards, if more than 25 cubic yards are brought in a special permit is necessary. The fill was tested and is clean, there were small cobbles. Mr. Silva submitted the Analytical Report for the record. Mr. Maurer stated the applicant had inadvertently brought in fill and placed it in the regulated area, the pile that is there now will be removed and will bring it back to natural grade. He

will use the material in the buffered area in parts of the property after he gets the special permit. Mr. Silva stated the plantings will be left to the commission's discretion; his idea was to re-establish what was there, approximately four (4) Oak trees and approximately twenty (20) ferns. The fill was delivered on May 10, 2013. Mr. Kenny suggested ferns and Pin Oaks. His report had been submitted with the application.

Motion (Fox), seconded by (Lauria) to RECEIVE Application 13-41.
VOTE: Motion CARRIED unanimously.

Application 13-42, Negreiro Development, LLC - Permit approval for a re-subdivision of 5 Springwood Drive, construction of a new single family residence, installation of a portion of underground utilities, footing drain outfall, site grading and construction of a rain garden within a regulated area at the 5 Springwood Drive.

Attorney Raymond Rizio was present on behalf of the applicant. This is an application for a 2-lot subdivision. This is an insignificant impact to the wetlands. The parcel is on Springwood Drive and is 1.9 acres. Currently it is one (1) lot and is planning on doing a rear lot application with P&Z. There is the possibility of subdividing to a three (3) lot cul-de-sac but they are not proposing that because it would cause more of a disturbance to the wetlands. They will keep the house where it is with a 30' driveway easement in the rear. The lot is oversized and had inadequate frontage. The limit of disturbance is noted on the Spath Bjorklund plan. There is no disturbance or touching of the wetlands. There is a stream (Horse Tavern Brook) that is 7'-8' below the limits of disturbance. There will be a rain garden to catch the footing drain and gutter run-off. There will be no impact to the wetlands at all. It is an insignificant activity. The parcel is already clear with an existing house on it. The concrete weir in the wetland is to control the flow of water. The weir has been there for 50-100 years. Dave Bjorklund engineer and president of Spath Bjorklund was present and confirmed that the concrete weir is approximately 50 years old, it was probably put in to create a pond, its utility is gone, only a little water ponds behind it.

Atty. Rizio submitted a photograph for the record. Mr. Bjorklund confirmed for Commissioner Chamberlain the house is graded for a walk out basement, there are very few trees where the house is proposed. Atty. Rizio noted it is amazing how little disturbance there is to this plan. The total lot is 1.98 acres it is zoned for .5 acre lots. They will use the AA zone standards and will apply it the A zone for the rear lot; this will be one of the biggest lots in the zone. The lot will be over an acre. Mr. Bjorklund stated that rain gardens overall are working very well they are even working in the winter months. They are finding that it has to get very cold for water not to infiltrate the rain garden.

Motion (Fox), seconded by (Chamberlain) to RECEIVE Application 13-42.
VOTE: Motion CARRIED unanimously.

Application 13-43, Robert T. Priest - Permit approval to replace and expand driveway construction of deck and stairwells, install retaining wall at driveway, remove overgrown brush and weeds, light grading & planting of grass and pushes and install foundation plantings within a regulated area at 55 Tanglewood Road.

Robert Priest of 22 Tanglewood Road was present and indicated the existing retaining wall is directly adjacent to the driveway. The retaining wall is crumbling, in rebuilding it the applicant would like to move it 3' to the north. This is not near the wetlands. 80% of his property is within the 100' wetland

buffer. The property is 5'-7' above the flow of water. By pushing the retaining wall 3' to the north will give him the ability to open a car door without hitting the wall. The deck will be an 11' x 12' which will allow access from the first floor living area to the back yard. The light re-grading, clean-up of brush and planting of grass represents deferred maintenance of the northwestern of the property. The expansion of the driveway will allow to park cars side-by-side. The overgrown brush to be removed is overgrown forsythia; this will not change the grade. The applicant did not have photographs of the property to submit. The deck is 50' from the wetlands and is no closer than the existing garage. The southern property boundary is a few feet from a stream and sits 3'-4' below the backyard grade. The applicant would like to add gravel to the side of the garage to allow for a clean walkway and access for lawn mowers. The backyard is manicured lawn; the lawn goes up to approximately 3'-4' of the property line. A survey has been done and was pinned on July 1, 2013. Mr. Maurer stated there is a watercourse on the southerly boundary of the parcel, (under where it reads 155) is dark heavy line which represents a swale. The wall will be made of concrete, it was a poorly constructed wet stonewall it was not a proper wall to begin with; it currently is buckling as well as the driveway. The property line is within 3' of the stream at the 155, the trees are on his property. There is a sub-note at the bottom of the plan that reads all work to be performed is on the property at 55 Tanglewood because the GIS lines are confusing.

Motion (Wright), seconded by (DeFeo) to RECEIVE Application 13-43.

VOTE: Motion CARRIED unanimously.

Application 13-44, Sophia Nemergut (Modification to Application 11-24) - Permit approval to maintain a minor amount of fill placed in the wetlands during construction, plant arborvitae, substitute a 4' ft. high wood fence for a 4' high chain link fence within a regulated area at 5 Baldwin Avenue.

Sophia Nemergut of 5 Baldwin Avenue of Trumbull, CT was present and indicated the modification is to change from a chain link fence to a wooden fence. Mr. Maurer stated the retaining wall placed at the rear of the property is close to the wetlands and in one place is in the wetlands. The retaining wall had not been included or approved in the previous application and should be included in this application. The Chair questioned whether the application should be deemed incomplete. Mr. Maurer recommended amending the application. Mr. Maurer reviewed the plan with the commission. The retaining wall includes a significant amount of fill behind it. The northeast corner contains a portion of the flagged wetlands area, there was fill placed in the wetlands area, it is an insignificant amount but is still fill in the wetlands, approximately 80 sf. The application states 12 yards of fill was placed in that area. The original grade showed a walk-out basement quickly sloping down to the wetlands. The retaining wall probably built up the back yard and was not in the original application. This application includes the planting of arborvitae which was not in the original application either. The original application showed a chain link fence and now wants to put a wooden fence. The retaining wall is indicated by the green line on the plan, and is a permanent wall. Ms. Nemergut stated the fill was from underneath the foundation and also indicated that she needed to bring in 50 trucks of processed gravel. Whatever came from under foundation had to be moved around because they had not told him to take it away. She had hired an engineer who gave all of the results to the Building Dept., everything was accepted by the Building Dept. Mr. Maurer stated the original fill under the foundation had a significant amount of peat, the peat was excavated and structural fill was brought in to back-fill and bring to the footing level. Instead of trucking the fill off-site they used it in the back area. Ms. Nemergut stated there was not much peat. Mr. Labell was the engineer she had hired. No fill was brought in only the processed gravel. The fence is being

installed for safety reasons due to the slope. The fence will be 4' high. Ms. Nemergut stated everything looks beautiful, the stones came from under the foundation and had been placed standing up. Mr. Maurer indicated he had previously been on the site but not recently. There is a Data Accumulation Plan included in the application which gives the grades of the upper and lower portion of the wall. Ms. Nemergut stated everything has been done very well, none of the neighbors have complained. The grading had been corrected by Trumbull landscaping, everything looks good and the grass is growing.

Motion (Fox), seconded by (Chamberlain) to RECEIVE Application 13-44.
VOTE: Motion CARRIED unanimously.

Motion (Lauria), seconded by (Chamberlain) to CLOSE New Business at 8:49 p.m.

MINUTES: Motion (Lauria), seconded by (Chamberlain) to Accept the June 4, 2013 meeting minutes.

VOTE: Motion CARRIED unanimously.

WORK SESSION:

The Chair opened the Work Session at 8:50 p.m.

Application 13-33, Vincent Lombardo, Jr. - Permit approval to remove sixteen (16) trees within a regulated area at 6 Lynnbrook Road.

Motion (Lauria), seconded by (Fox) to APPROVE Application APPROVE Application 13-33 for discussion purposes only.

A revised Motion was made (Lauria), seconded by (Wright) to APPROVE Application 13-33 subject to the General Conditions as established by the Commission and the following specific conditions:

- The rear property line shall be marked with pins.
- The 50' wetlands setback shall be marked with pins.
- Black paint shall cover the orange X's on the trees that will not be cut. This is to ensure that they will not be cut down in error.
- No trees shall be cut in the wetlands.
- A record map shall be filed on the land records in the office of the Trumbull Town Clerk delineating the property lines, the 50' wetlands setback and the 100' wetlands setback.
- Only organic fertilizer shall only be used on the lawn area.

VOTE: Motion CARRIED unanimously.

Application 13-41, Manuel Jose Silva - Permit approval to remove stock piled material, restore the area to its historical grade elevation, plant wetland appropriate plants within a regulated area at 87 Saxony Drive.

VOTE: By unanimous consent the Inland Wetlands & Watercourse Commission agreed that the applicant shall provide the commission with a planting plan showing the size and the number of plants to be planted before the next Inland Wetlands & Watercourses Commission meeting.

Application 13-44, Sophia Nemergut (Modification to Application 11-24) - Permit approval to maintain a minor amount of fill placed in the wetlands during construction, plant arborvitae, substitute a 4' ft. high wood fence for a 4' high chain link fence within a regulated area at 5 Baldwin Avenue.

VOTE: By unanimous consent the Inland Wetlands & Watercourses Commission agreed to conduct a Field Inspection on this application.

Motion was made (Chamberlain), seconded by (Fox) to schedule a meeting with a public hearing on Tuesday, August 6, 2013 at 7:30 p.m. at the Town Hall.

VOTE: Motion CARRIED unanimously.

SCHEDULE FIELD INSPECTIONS:

By unanimous consent the Inland Wetlands & Watercourses Commission scheduled the Field Inspection to take place on Wednesday, July 17, 2103 leaving the Town Hall at 3:00 p.m.

The clerk distributed hard copies of Public Act No. 13-82 An Act Regulating the Planting and Sale of Running Bamboo to the commission.

Mr. Maurer reported that Mrs. Beyer has finished the stone wall and is moving forward with the shed and the rest of her application (Application 13-01 and 13-10).

There being no further business to discuss the Inland Wetlands & Watercourses Commission adjourned by unanimous consent at 9:06 p.m.

Respectfully Submitted,

Margaret D. Mastroni, Clerk