

MINUTES
INLAND WETLANDS AND WATERCOURSES COMMISSION
MAY 5, 2009

MEMBERS PRESENT: Richard Girouard, Chairman
Andrew Lubin, Secretary
Arlyne Fox
John Lauria
Kevin Chamberlain, Alternate
Richard Deecken, Alternate

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

The Chair convened the meeting at 7:30 p.m.
Arlyne Fox led the Commission in the Pledge of Allegiance.
Andrew 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, May 5, 2009, at 7:30 p.m. in the Trumbull Town Hall Courtroom, 5866 Main Street, Trumbull, Connecticut, on the following applications:

Application 09-09 – Emilio Ferri. Permit approval to construct a single family dwelling, driveway and grading in a regulated area at Parcel C, Sycamore Street.

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

Dated at Trumbull, Connecticut this 16th day of April, 2009.

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

Public Hearing:

The Chair opened the public hearing at 7:32 p.m.

The Chairman read a letter from the Applicant requesting a continuance until the next scheduled meeting. Discussion took place regarding reimbursement of the public hearing publication fee by the applicant and that the applicant was advised of the same by the IWWC staff when the continuance letter was received by fax at the IWWC office on May 5, 2009.

Motion made (Fox) seconded (Lauria) to continue Application 09-09 (Ferri) to the next scheduled meeting on June 2, 2009 with the applicant paying \$326.48 for the publication fees. MOTION CARRIED UNANIMOUSLY.

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

The Chairman closed the Public Hearing at 7:35 p.m.
The Chairman opened new business at 7:37 p.m.

New Business: Application 09-12 – Mallone. Permit approval to cut one tree in a regulated area at 22 Mohawk Drive. Larry Mallone, Jr. was present and stated he wants to cut one tree down so that he can connect the Hemlocks together. He stated

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when he received his original approval to build his house this tree was approved to be cut down. Larry Mallone, Sr. was also present and he stated that a crane and truck will be used to remove the tree.

Motion made (Lubin) seconded (Fox) to RECEIVE Application 09-12 (Mallone). Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

Application 09-13 – Anderson. Permit approval to construct 20'x16' deck in a regulated area at 7 Woodfield Drive. The applicant, Donald B. Anderson, was present and stated he's lived at 7 Woodfield Drive since 1995 and he wants to replace the deck on the left side of his house. There is a stream on his neighbor's property and he will protect it. There will be no wetland impact, no material removed or brought in and no trees will be cut

Motion made (Lubin) seconded (Fox) to RECEIVE Application 09-13 (Anderson). Discussion. All in favor – MOTION CARRIED UNANIMOUSLY.

Application 09-14 – Juricic. Permit approval to construct 12' octagonal gazebo, 10'x16' shed and plant 9'X7' rain garden in a regulated area at 78 Friar Lane. Don Juricic, 78 Friar Lane, the homeowner, and Jimmy Lane, 24 Primrose Drive, Trumbull, the landscape designer, were present for the applicant. Mr. Lane stated the gazebo and shed come assembled, no vegetation will be removed, crushed stone will be used to level the bases and silt fencing will be set up to protect the wetlands. The rain garden will be planted with rain garden plants including, winterberry, summer sweet, ferns, ivy and the roof leaders from the house will discharge into the rain garden.

Motion made (Fox) seconded (Lauria) to RECEIVE Application 09-14 (Juricic). Discussion. All in favor – MOTION CARRIED UNANIMOUSLY.

Application 09-15 – Anzalone. Permit approval to install above ground swimming pool in a regulated area at 39 Williams Road. The applicant, Rosalie Anzalone, 39 Williams Road was present and stated they would like to install an above ground pool 35 to 50 feet from a stream. A couple inches of stone will be put around the edges of the pool.

Motion made (Lubin) seconded (Chamberlain) to RECEIVE Application 09-15 (Anzalone). Discussion. All in favor – MOTION CARRIED UNANIMOUSLY.

Steve Savarese addressed the Commission regarding a complete application that was brought to the meeting. The applicant misunderstood the procedures and requested his application be added to the Agenda. After discussion it was agreed to bring a motion to add Amado Bautista, 330 Daniels Farm Road to the Agenda.

Motion made (Lauria) seconded (Lubin) to add Amado Bautista, 330 Daniels Farm Road to the Agenda as Application 09-16. Discussion. All in favor – MOTION CARRIED UNANIMOUSLY.

Application 09-16 – Bautista. Permit approval to construct 10'x12' shed in a regulated area at 330 Daniels Farm Road. The applicant paid the \$80.00 application fee. Steve Savarese stated the applicant wants to build a 10'x12' shed off the side of his house which is in proximity to a watercourse on the other side of a stonewall. Amado Bautista, 330 Daniels Farm Road was present and stated he wants to build a shed. There was discussion as to the location of the shed and the applicant agreed to move it further away from the stonewall if the Commission requires it.

Motion made (Lubin) seconded (Deecken) to RECEIVE Application 09-16 (Bautista). Discussion. All in favor – MOTION CARRIED UNANIMOUSLY.

The Commission worked on and discussed the proposed fee schedule for the new regulations. Mrs. Fox read the proposed fees into the record.

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APPLICATION FEES (3)

- 19.1 Method of Payment. All fees required by these regulations shall be submitted to the Agency by check or money order payable to the Town of Trumbull at the time the application is filed with the Agency.
- 19.2 No application shall be granted or approved by the Agency unless the correct application fee is paid in full or unless a waiver has been granted by the Agency pursuant to Subsection 19.7 of these regulations.
- 19.3 Fees are not refundable.
- 19.4 Definitions. As used in this section:
 “Residential uses” means activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.
 “Commercial uses” means activities carried out on property developed for industry, commerce, trade, recreation, or business or being developed to be occupied for such purposes, for profit or nonprofit.
 “Other uses” means activities other than residential uses or commercial uses.
- 19.5 Fee Schedule. Application fees shall be based on the following schedule:

A. REGULATED ACTIVITIES

SINGLE FAMILY RESIDENCE: (Plus Schedule A)	\$300.00
FILING FEE: Includes: preliminary review of plans, site evaluation inspection, and final compliance inspection.	
➤ Additional site inspections that require corrective measures by the applicant	100.00/visit
OTHER RESIDENTIAL DEVELOPMENTS & COMMERCIAL:	
FILING FEE: (Plus Schedule A)	\$500.00
➤ + 50.00/1000 S.F. for sites less than 3000 S.F. of regulated area	
➤ + 45.00/1000 S.F. for sites of 3000-50,000 S.F. of regulated area	
➤ + 40.00/1000 S.F. for sites more than 50,000 S.F. of regulated area	
➤ Additional site inspections that require corrective measures by the applicant	\$100.00/visit
➤ Modification, extension, or renewal of permit	\$250.00
 ALL OTHER ACTIVITIES:	
FILING FEES: (Plus Schedule A)	
➤ Including but not limited to: Swimming pools, tennis courts, decks, building additions, accessory buildings and land alteration	\$150.00
➤ Pond cleaning or dredging with no change in size of pond	\$300.00
➤ Construction of new pond or enlargement of existing pond	\$500.00
➤ Stream channel/embankment work	\$300.00
➤ Permanent wetland disturbance - additional	\$500.00
➤ Modification, extension, or renewal of permit	\$250.00
 Expert Analysis Fee (pursuant to Section 10.7 of these Regulations) – Payment in full prior to commencement of public hearing. Commission will not proceed with public hearing if expert fees are outstanding.	 Varies
 Public Hearing fee – single family residence	 \$250.00
Continuance of Public Hearing – single family residence	\$500.00
Public Hearing fee – other residential developments & commercial	\$500.00

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Continuance of Public Hearing – other residential and commercial \$1,000.00

Approval by Duly Authorized Agent (**Plus Schedule A**) \$100.00

Appeal of Duly Authorized Agent Decision (**Plus Schedule A**) \$200.00
(The fee for an appeal of an authorized agent decision shall be reimbursed upon reversal of such Agent Approval decision by the Commission. Said reimbursement shall not include the State DEP surcharge fee.)

B. PERMITTED AND NONREGULATED USES

- Permitted Uses as of Right n/a
- Nonregulated Uses n/a

C. REGULATION AMENDMENT PETITIONS (Plus Schedule A) \$500.00
Plus administrative costs and notification fees (Does not include Notices to or Regulation Advisories from DEP)

D. MAP AMENDMENT PETITIONS (Plus Schedule A) \$500.00

E. AFTER-THE-FACT SURCHARGE OF 200% OF FEES PAID UNDER THIS SECTION. The total amount paid will be three times the amount that would have been due had the application not been after-the-fact. This surcharge is in addition to any other fines or penalties that may be assessed.

SCHEDULE A

DEP – State DEP reporting fee \$30.00
(State Environment Fee - established by the State Department of Environmental Protection)

19.6 Exemption. Boards, commissions, councils and departments of the Town of Trumbull are exempt from all fee requirements.

19.7 Waiver, The applicant may petition the Agency to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this subsection. The Agency may waive all or part of the application fee or any additional fees in its reasonable discretion.

After discussions the following changes were made to the above:

19.3 Except as provided in 19.7 fees are not refundable.

- Pond cleaning or dredging with no change in size of pond \$300/acre or part thereof

Expert Analysis Fee (pursuant to Section 10.7 of these Regulations) – Payment in full prior to commencement of public hearing. Varies

Public Hearing fee – single family residence or other uses \$250.00

Continuance of Public Hearing – single family residence or other uses \$250.00

Continuance of Public Hearing – other residential and commercial \$500.00

Motion made (Lubin) seconded (Fox) to accept the amendment to Section 19 and forward it on to the Town Council for approval. Discussion. All in favor – **MOTION CARRIED UNANIMOUSLY.**

The Chairman called a five minute break at 8:50 p.m.

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The meeting resumed at 9:00 p.m.

The Commission discussed charging for building department signoffs. The Commission would like to initiate a signoff fee of \$25.00 for all signoffs and have the fees earmarked for training and have them deposited into an account to cover the costs of seminars and training. This will be proposed to the Town Council.

Motion made (Fox) seconded (Lubin) to add 19.5 F. – Wetland signoff for all building permits \$25.00. Discussion. All in favor – MOTION CARRIED UNANIMOUSLY.

Motion made (Fox) seconded (Lauria) to close new business. No Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

Correspondence: Steve Savarese summarized letters from James R. Swift regarding an application filed in Easton and from David Pavlik of the Lake Forest Association in Bridgeport.

Minutes: Motion (Fox) to accept meeting minutes of April 7, 2009 and field inspection minutes of April 23, 2009. No objections. Minutes accepted.

Work Session:

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

Motion made (Lubin) seconded (Fox) to APPROVE Application 09-12 (Mallone), as submitted, subject to the General Conditions as established by the Commission. Discussion. MOTION CARRIED UNANIMOUSLY.

Motion made (Fox) seconded (Lubin) to APPROVE Application 09-13 (Anderson), as submitted, subject to the General Conditions as established by the Commission. Discussion. MOTION CARRIED UNANIMOUSLY.

Motion made (Fox) seconded (Lubin) to APPROVE Application 09-14 (Juricic), as submitted, subject to the General Conditions as established by the Commission. Discussion. MOTION CARRIED UNANIMOUSLY.

Motion made (Lubin) seconded (Lauria) to APPROVE Application 09-15 (Anzalone), as submitted, subject to the General Conditions as established by the Commission. Discussion. MOTION CARRIED UNANIMOUSLY.

Motion made (Lubin) seconded (Lauria) to APPROVE Application 09-16 (Bautista) subject to the General Conditions as established by the Commission with the specific condition that the shed be no closer than 20 feet from the property line. Discussion. MOTION CARRIED UNANIMOUSLY.

There being no objections the Chairman adjourned the meeting at 9:20 p.m. No discussion.

Respectfully submitted,
Joyce Augustinsky, Clerk