

**MINUTES
INLAND WETLANDS AND WATERCOURSES COMMISSION
JUNE 2, 2009**

MEMBERS PRESENT: Richard Girouard, Chairman
Arlyne Fox
John Lauria
David Lucas
Lars Jorgensen
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 7:35 p.m.
Arlyne Fox led the Commission in the Pledge of Allegiance.
Richard Deecken 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, June 2, 2009, at 7:30 p.m. in the Trumbull Town Hall Courtroom, 5866 Main Street, Trumbull, Connecticut, on the following application:

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 (postponed from May 5, 2009).

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 8th day of May, 2009.

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

Public Hearing:

The Chairman opened the public hearing at 7:40 p.m.
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. Attorney Raymond Rizio, 1 Post Road, Fairfield, Henry Moeller, soil scientist, and Joe Pereira of Pereira Engineering LLC were present for the applicant. He indicated this was an old subdivision and the applicant wants to combine 2 lots and build a house. A portion of the lot will remain undeveloped and the house will be close to the street. About 1200 square feet of wetlands will be filled and mitigation is planned. They presented two alternatives: 1) build a stonewall; 2) grade down or slope down into the wetlands. Mr. Rizio described the placement of the house and the contour of the site.

Henry Moeller, a soil scientist flagged the wetlands on the property. He stated there is an area of non-wetland soils at the back of the lot. He also stated that the brook was channeled years ago resulting in the wetlands being partially drained. Upland area consists of well and moderately drained Woodbridge soils and the wetland is Ridgebury fine sand loam and Glacial Till. The site has been disturbed and a lot of fill and soil materials have been dumped there over the years. The area that will be filled will be contained with a stonewall.

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Discussions took place regarding the amount and type of fill and relocation of wetland flag 21. He also stated he did not go through the fill to test the soil below it. Mr. Pereira stated Henry Moeller was brought in to flag the wetlands and verify the wetland boundary that was previously marked by another soil scientist. Mr. Moeller did not agree with flag 21 being there, the difference is 180 square feet, and that area was not wet when he visited the site in March. The source of the water on the site is from surface runoff and subsurface seepage in the Spring. Mr. Moeller stated the soils below the fill are well drained soils and the fill overlies solid soil. He also stated the brook will not be impacted and the wetlands will still receive the same amount of water but under controlled conditions. The brook is the low point and the runoff from the property can not cause problems on the other side of the stream. The function of the wetlands will remain the same and the removal of trees will have minimal impact and will not have a negative impact on the wetlands because the soils remain the same and there aren't that many trees in that area. Alternative plans would be using a terrace or wall to contain the soil area.

Mr. Pereira reviewed the plans, the 500 foot radius map, elevation questions, stormwater management and mitigation. The applicant stated he built the house below and he put the piping in and there is no water problem. Mr. Rizio stated a lot of the unstablized fill will be removed for the basement and there will be no impact to the wetlands or the stream.

As an alternative Commissioner Chamberlain suggested leaving the grade where it is and constructing a deck at the basement level to avoid filling the wetland and instead of a lawn area. Attorney Rizio indicated that would be an alternative they could work with and they would look into it and if they went with the deck they would be reducing the 800 square foot disturbance.

The Commission wants: better construction details; details of the wall; details of the deck; new elevations; note taken off the map regarding Sycamore Street.

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

Denice Daniels-Fogel, 42 Linden Avenue – The lot did not look like it does now when she bought her house in 1989. In the mind 90's one house on Madison Avenue was knocked down and replaced with two houses and the remaining properties were sold to Mr. Ferri. She stated that the area was already designated wetlands and she was assured, before she purchased her house, that it was protected wetlands. She is concerned about nature and wildlife being depleted she wants to keep it natural. She commented on photos that were taken on April 17th after a .04 rainfall.

Derek Hayes, 48 Linden Avenue – Submitted and explained photographs of the site that were taken on April 17th. He has two concerns: 1) If this is approved it will absolutely change the dynamics and there will be a more concentrated area of water going back to the brook and will eventually eliminate the wetland. 2) The deck sounds plausible because it seems to be less invasive.

Michael Noe, 15 Camelot Drive – Wants the wetlands protected and its special physical and biological characteristics provide natural flood control. Human changes to the water will affect downstream rivers and streams and wildlife. He believes there has been regular encroachment on this site to dry the wetland and he has questions as to what is in the fill that will run into the wetlands. He stated interfering with the natural flow of water can have unpredictable results.

Steve O'Connell, 4291 Madison Avenue – His house sits right behind the brook and he has been there for 15 years and has seen the brook crest. He believes further encroachment will affect the brook and it will come up onto his back yard. He wants the Commission to not pass this proposal and to not negatively affect the environment. He stated the brook rises typically in the Spring and also in the Fall.

No one else from the public came forward.

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Attorney Rizio stated the two neighbors are upland and this house will have no negative effect on them and their properties do not abut the wetlands.

The applicant is to submit to the Town Engineer ten days prior to the next meeting the following:

- 1) Alternative that eliminates disturbance into the wetlands by way of introducing a deck with 2 posts into the wetlands;
- 2) Provide more construction details – cut a section through the house to show the edge of the wetlands and the deck and what it will look like;
- 3) Mitigation plan and how many trees will come down;
- 4) Drainage plan, drywall and galleries' detail.

In accordance with the above, Attorney Rizio requested the Commission continue the application to the next scheduled meeting. The applicant agreed to pay the publication cost for the Public Hearing.

The applicant stated if they can not get the plans to the Town Engineer ten days before the hearing they will send a letter requesting a continuance to September's meeting and will waive the time restraints.

Motion made (Lauria) seconded (Lucas) CONTINUED Application 09-09 (Ferri) to the July 7, 2009 meeting.

Discussion. MOTION CARRIED UNANIMOUSLY.

Motion made (Fox) seconded (Lucas) to close the public hearing at 9:15 p.m. No discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

The Chairman closed the Public Hearing at 9:15 p.m.

The Chairman opened new business at 9:17 p.m.

New Business:

Application 09-17 - Town of Trumbull/Dmitri Paris. Permit approval for minor clean-up invasive brush and limb removal; construct boardwalk on trail in Great Oak Park in a regulated area on Dayton Road. Dmitri Paris, Parks Superintendent was present and stated he is requesting approval to complete the northeastern trail in Great Oak Park. Presently there are a number of intersecting trail systems that loop in and around and the northeast one goes to the Great Oak. There has been a lot of interest in having one continuous trail to get to the Great Oak. The plan is to build wetland boardwalks with minimal disturbance to the wetland areas. No digging is involved the boardwalk will be laid on the surface of wetland areas with bridging over high points. This boardwalk will provide a continuous loop of the trail with no rails and the walking area will be 30 inches wide and will be built by Parks and Public Works Departments.

Motion made (Fox) seconded (Lucas) to RECEIVE Application 09-17 (Town of Trumbull/Dmitri Paris). Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

Application 09-18 – Jacqueline Wong. Permit approval to cut trees remove stumps, add fill and plant shrubs in a regulated area at 66 North Street. The applicant was present and stated six trees have already been cut down and she wants to remove the stumps and fill it with clean fill and plant shrubs. Steve Savarese stated we responded to a complaint and a cease and desist was issued. The applicant said the trees were cut down because they were a safety hazard with many broken branches and she was not aware of the 100 foot regulated area when she cut the trees. They cut down the trees and did not hire a contractor. She wants to plant shrubs and grass in the area where the trees were. She was not sure how they are going to remove the stumps.

Motion made (Lauria) seconded (Fox) to RECEIVE Application 09-18 (Wong). Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

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Application 09-19 – Homeland Investors, LLC (James R. Swift, Agent). Permit approval to construct lawn area and septic system in a regulated area at Rosellen Drive and Kachele Street. Attorney Thomas Lynch, of Lynch, Trembicki and Boynton in Milford was present for the applicant. He stated they already went to ZBA for variance of street frontage. The street frontage on Rosellen Drive is 16 feet. The house will have an Easton address and the driveway will come in from Kachele Drive in Easton and they have a pending application before the Easton Conservation and Wetlands Commission for approval of the driveway and crossing the wetlands in Easton. The Trumbull application is for the septic and lawn areas that are within 100 feet of the Trumbull wetlands.

Jim Smith, licensed landscape architect and licensed civil engineer was also present and stated the Town line run down the middle of it and they have reserved an access easement across a parcel in Easton. The driveway and the bulk of the wetland disturbance are in Easton. The residence will be located in Trumbull and only the septic system and the lawn area (80 feet by 120 feet) are in the regulated area. They have designed a stormwater management plan with galleys that flow into Easton. He described the construction of the driveway, the crossing of the wetlands and how the wetlands will be protected.

Motion made (Fox) seconded (Lucas) to RECEIVE Application 09-19 (Homeland Investors, LLC). Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

Application 09-20 – John Cook. Permit approval to add fill to level lot, maintain existing drainage swale and construct 16' square brick patio in a regulated area at 63 Moose Hill Road. The applicant was present and stated the trees have already been cut down and he wants to level the area and plant grass. Steve Savarese stated we responded to a complaint of heavy equipment running and trees coming down and a cease and desist was issued. There is standing water in the backyard after it rains and it looks like it is a poorly draining area and the house is close to the wetland limit. Mr. Cook indicated he was trying to expand his lawn to get a backyard and he was not aware of the regulations involved with wetlands or the 100 foot rule. The Commission reviewed photos of the property that were given to Attorney Lieberthal.

Motion made (Fox) seconded (Lucas) to RECEIVE Application 09-20 (Cook). Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

Application 09-21 – Andrew Kachele, Executor of the Estate of Elizabeth Kachele. Permit approval to construct single family residence and driveway in a regulated area at Lot 1 Patriots Road. Joseph Codespoti of Codespoti and Associates who are engineers, site planners and landscape architects was present for the applicant. He submitted certificates of mailing for the Town of Easton and Bridgeport Hydraulic Company. This is a 2 acre site on Patriots Drive off Hillspoint Road. Patriots Road was put in to serve this parcel about 40 years when the area was subdivided. He reviewed the site and described the proposed activities, plantings and what they plan to do. The water will be directed in two ways: 1) A rip rap sediment trap to treat the water before it goes into the wetlands; 2) A 12 inches to 18 inches high rubble wall along the edge of the driveway and a rain garden is also planned. Four trees will be cut down and buffers of growth will be planted. An alternative is to mitigate and create a wetland but they prefer to use the rain garden. The site will be flagged and staked for the site inspection. The Commission decided this application should be treated as a significant impact activity and the applicant needs to comply with 7.6A and 7.6B of the Regulations.

Motion made (Lauria) seconded (Lucas) that the Commission treat Application 09-21 (Kachele) as a significant impact activity in accordance with Regulations 7.6A and 7.6B. Discussion. All in favor – MOTION CARRIED UNANIMOUSLY.

Motion made (Fox) seconded (Lucas) to RECEIVE Application 09-21 (Kachele). Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

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Motion made (Fox) seconded (Lucas) to close new business at 10:15 p.m. No Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

The Chairman closed new business at 10:15 p.m.

Correspondence:

Cease and desist letter sent to Catherine DiCairan was discussed.

Minutes.

Motion (Lauria) to accept meeting minutes of May 5, 2009. No objections – Minutes accepted.

The Chairman opened the Work Session at 10:20 p.m.

Work Session:

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

Field Inspection.

Motion made (Chamberlain) seconded (Lucas) to schedule field inspections for 09-18 (Wong), 09-20 (Cook) and 09-21 (Kachele). Discussion. All in favor – MOTION CARRIED UNANIMOUSLY

The field inspection date was scheduled for June 24, 2009 at 9:00 a.m. on the following applications:

Application: #09-18 (Wong), 09-20 (Cook) and 09-21 (Kachele).

Motion made (Fox) seconded (Lucas) to APPROVE Application 09-17 (Town of Trumbull/Dmitri Paris), as submitted, subject to the General Conditions as established by the Commission. Discussion. MOTION CARRIED UNANIMOUSLY.

Motion made (Fox) seconded (Lucas) to APPROVE Application 09-19 (Homeland Investors, LLC), as submitted, subject to the General Conditions as established by the Commission. Discussion. MOTION CARRIED UNANIMOUSLY.

The Chairman stated the Regulation's fee schedule was unanimously approved. The Regulations will be set down for a Public Hearing at the next scheduled meeting. The Chairman commended the Commission on all the work they did on the fee schedule.

Steve Savarese commented on the remediation that is due by June 14th on the Hyatt property on Moose Hill Road.

There being no objections the Chairman moved to adjourn the meeting at 10:40 p.m. No discussion.

Respectfully submitted,
Joyce Augustinsky, Clerk