

MINUTES
INLAND WETLANDS AND WATERCOURSES COMMISSION
NOVEMBER 9, 2009

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

ALSO PRESENT: Stephen Savarese, PE, LS Town Engineer

The Chairman convened the meeting at 7:36 p.m.

The Chairman congratulated Commissioner Deecken on his Planning and Zoning win in last week's election. He also extended the Commission's condolences to Attorney Lieberthal on the death of his father.

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 Monday, November 9, 2009, at 7:30 p.m. in the Trumbull Town Hall Courtroom, 5866 Main Street, Trumbull, Connecticut, on the following applications:

Application 09-30 – Jolene Drukker/Agent for Julia Kuznetsova. Permit approval to cut 4 trees, add fill and top soil, extend fence, rebuild patio, construct new patio, plant grass and trees in a regulated area at 52 Shawnee Road.

Application 09-33 - Matthew E. Romano. Permit approval to construct a commercial building, grading, drainage and driveway at 6 Cutlers Farm Road.

Application 09-36 – Mark Tice (Owner/Fiori). Permit approval to construct addition and garage in a regulated area at 32 Hidden Pond Road.

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 13th day of October, 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 09-30 Jolene Drukker, Agent for Julia Kuznetsova. Permit approval to cut 4 trees, add fill and top soil, extend fence, rebuild patio, construct new patio, plant grass and trees in a regulated area at 52 Shawnee Road. The applicant submitted certificates of mailings. Jolene Drukker, 32 Bloomer Road, Ridgefield, CT was present and stated the trees have already been cut down. The initial plan was to remove

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the trees, install fence along backside corner of the property, grade with topsoil, plant grass and maybe shrubs. All work was stopped when they received the cease and desist and would now like to put down top soil, plant grass and whatever else the Commission will allow them to do.

The Chairman asked if anyone from the public wished to speak. No one came forward.

Application 09-33 Matthew E. Romano. Permit approval to construct a commercial building, grading, drainage, and driveway at 6 Cutlers Farm Road. Wayne Jacobsen of Spath/Bjorklund Associates, 593 Main Street, Monroe, was present for the applicant. The applicant previously submitted certificates of mailings to the clerk. The site is at the intersection of Spring Hill Road and Cutler's Farm Road and the wetlands are located on the southern portion. There is an existing house and driveway that will be demolished and a storage building will be constructed with access from Cutler's Farm and Spring Hill Roads. They are proposing to keep the existing trees around the wetlands at the intersection. Seed mixes will be used on the disturbed areas.

He described the storm water treatment, water quality, flow rates, and detention systems. He also stated the design could be modified from a 100 year storm event to 25 year storm event in accordance with the changes to the zoning regulations.

The sewer and water connections at the intersection will be brought up and connected into the building. He discussed the site plan, flag markings and limits of disturbance. Discussions took place regarding sewers, water flow, overflow, swales, galleys, runoff, curbing, and black ice.

The routing of the sewer and water laterals and utilities to the site were questioned and discussed.

Mr. Jacobsen stated they would not object if the Commission made curbs or connections of the sewer and water laterals conditions of approval.

The site is currently being used and hydro-seed has been put down to stabilize the site for the winter.

He addressed the issue of snow plowing and how it will be handled.

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

Edward Talbot, 257 Spring Hill Road, Monroe stated he is concerned about the wetlands and what will be going into this property. He is opposed to alterations to the wetlands and wants to protect the environment. He is concerned about the drinking water wells and the stream across the street.

Elizabeth Mezick, 20 Cutlers Farm Road, Monroe said the property is residential and wants to keep it that way. She would like to not see this project happen.

Derrick Talbot, 257 Spring Hill Road, Monroe said he is against the proposed usage. He is concerned about flooding at the drains at Cutler's Farm and Spring Hill and said he has cleaned that drain numerous times. The water puddles and is very dangerous in the winter. He believes with the increased asphalt and paved areas there are going to be problems with the street flooding there and in the area of another drain between 6 and 20 Cutler's Farm Road. He questioned if the detention pond would be able to handle the increased amount of water from the paved area and if there would be free standing water all the time. He is also concerned that there is no evergreen tree barrier to shield the residential properties and the proposed building because there is a noise problem and wants it on record. He stated he is against the proposed usage for the neighborhood because it is residential and there are no industrial buildings on the Monroe side. He is also concerned about what will be stored in the buildings and water pollution and in-ground pollution. He is against this particular proposal.

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Wayne Jacobsen addressed Mr. Talbot's storm water detention and drainage concerns and also stated that there will be no wetland disturbance. He went over the flow rates at the site and said they will not be making the condition worse and may make it a little better and there is no adverse impact to the wetlands and the hydrologics of the site will not change.

Steve Savarese stated it is not necessary to have it designed to the 100 year storm event and can be done to the 25 year storm event which would result in less detention areas and the limit of disturbance would be further away from the wetland area resulting in more upland buffer area.

No one else from the public came forward.

The Chairman made an announcement to let the public know that Hyatt (08-28) and Cook (09-20) would not be going forward tonight.

Application 09-36 Mark Tice (Owner/Fiori). Permit approval to construct addition and garage in a regulated area at 32 Hidden Pond Road. The Chairman advised the Commission that the garage has been removed from the application and a new site plan dated November 9, 2009 has been submitted. The applicant submitted certificates of mailings. Mark Tice, 35 Cherrygate Lane, Trumbull of Tice Brothers, agent for Andrea and John Fiori, was present. He stated Zoning Board of Appeals denied the garage and it has been removed from the new plans. The addition will be 69 to 70 feet from the watercourse. They will be digging lawn and asphalt and the material will be removed from the site and then brought back in.

The Chairman asked if anyone from the public wished to speak. No one came forward.

Motion made (Fox) seconded (Deecken) to close the public hearing at 8:50 p.m. Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

The Chairman opened new business at 8:50 p.m.

New Business.

Application 09-34 – Edward W. Herndon. Permit approval to install 15'x30' in-ground pool, cut down 5 trees, plant 3 trees and bushes in a regulated area at 74 Sunnycrest Road. The applicant was present and stated he hired Paul Taormina to draw up plans. Paul Taormina, 25 Grayrock Road, Trumbull summarized the plans for the pool and retaining wall. He stated there are two twenty feet wide drainage easements and a sanitary easement on the site. He stated he used the 1964 Town of Trumbull map to put the contours on the site plan and it shows the wetlands defined right through the residence. The area of disturbance is 15 feet by 66 feet and the retaining wall goes from four and a quarter feet to six and a quarter feet. He said there will be about 1000 square feet of wetland filling and he was asked if there is another place on the property to put the pool to avoid filling. It was pointed out that there also is a conservation easement on the property. They do not have an alternate plan. The applicant requested the Commission waive the application fee. This will be discussed in work session.

Motion made (Fox) seconded (Lubin) to RECEIVE Application 09-34. Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

The Chairman called a recess.

The Chairman continued with new business at 9:15 p.m.

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Application 09-39 – 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. Joe Codespoti of Codespoti and Associates, site planners and engineers was present representing the applicant. He submitted certified mail receipts from Aquarion Water Company and Easton Wetlands Commission and he requested the application fee be waived. He addressed the denial of the previous application and the changes and responses to that denial. He highlighted SP1 and the major changes that have been made.

Motion made (Lubin) seconded (Fox) to RECEIVE Application 09-39. Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

Application 09-40 – Town of Trumbull. Up-date Regulations. The Chairman stated draft Regulations have been sent to the State of Connecticut for review.

Application 09-41 – Dan Pagliarini. Permit approval to construct a two story addition and two car garage in a regulated area at 8 Knollcrest Drive. Dan Pagliarini, 15 Williams Road, Trumbull, contractor for Dave and Maureen Smith was present. He stated the addition will be 60 to 65 feet away from the watercourse and there will be no disturbance of any kind to the wetlands.

Motion made (Lubin) seconded (Chamberlain) to RECEIVE Application 09-41. Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

08-42 – William and Lisa Gregory by Quatrella and Rizio. Permit approval to construct a 22'x36' in-ground swimming pool in a regulated area at 18 Applegate Lane. Attorney Pete Gelderman, 44 Chalon Road, Trumbull of Quatrella and Rizio, 1 Post Road, Fairfield was present on behalf of Bill and Lisa Gregory. The wooded area on the property is the wetlands and the pool will be in the existing lawn area approximately 14 feet from the wetland line. The pool and apron are included in the 22'x36'. There is no alternate place to put the proposed pool because the property to the west of the proposed pool slopes up to the galleys and reserve area. This is the only area that will not interfere with the septic system. Attorney Gelderman submitted the record map with wetland markings for the record. The site will be staked if it is walked.

Motion made (Lauria) seconded (Deecken) to RECEIVE Application 09-42 (Gregory). Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

Application 09-43 – Salerno. Permit approval to construct a 16.5'x38.5' deck in a regulated area at 77 Canoe Brook Road. Dave Salerno, 90 Old Colony Road, Monroe, a co-owner of the property at 77 Canoe Brook Road was present. They are proposing to put a deck on the back of the property and the closest distance to the brook will be eighty feet. There will be no runoff or changes and it will have no affect on the water. No trees will be cut down

Motion made (Fox) seconded (Lubin) to RECEIVE Application 09-43 (Salerno). Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

Application 09-44 – Steeves (Mackey). Permit approval to remove trees that have been cut, grind stumps, remove brush, reseed, and demolish existing shed in a regulated area at 50 Pondview Avenue. Douglas Steeves, 35 Hanna Lane, Monroe was present. He stated his in-laws lived at 50 Pondview Avenue for over forty years and have not been able to keep up with maintenance of the property. His father-in-law recently passed away and his mother-in-law is now living with him and his wife. They received a cease and desist order when they were trying to clean up and restore the property and they did not realize they were working

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in a regulated area. They had an arborist cut down a dead oak tree, other trees and clean up the undergrowth. They have put boundaries up to prevent sediment from going into the pond and there is no soil impact or erosion. They do not plan on taking down any more trees. They would like to reseed part of the slope back to grass and plant pachysandra and other plants on the other side of the slope. They would also like to remove an old shed.

Motion made (Lubin) seconded (Fox) to RECEIVE Application 09-44 (Steeves/Mackey). Discussion. All in favor – MOTION CARRIED UNANIMOUSLY.

Motion made (Deecken) seconded (Lubin) to close new business at 9:50 p.m. No Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

Old Business.

Motion made (Lauria) seconded (Fox) to continue Application 08-28 (Hyatt) and Application 09-20 (Cook) Discussion. All in favor – MOTION CARRIED UNANIMOUSLY.

Minutes.

Motion made (Lauria) seconded (Deecken) to accept meeting minutes of October 6, 2009 and field inspection minutes of October 22, 2009. No Discussion. One abstention (Lubin). MOTION CARRIED UNANIMOUSLY.

Work Session.

The Chairman opened the Work Session at 9:55 p.m.

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

Motion made (Deecken) seconded (Lubin) to APPROVE Application 09-30 (Drukker/Kuznetsova), as submitted, subject to the General Conditions as established by the Commission. Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

Motion made (Deecken) seconded (Lauria) to APPROVE Application 09-33 (Romano). After discussion, Mr. Deecken withdrew his motion and Mr. Lauria withdrew his second.

Motion made (Lubin) seconded (Chamberlain) to APPROVE, Application 09-33 (Romano), as submitted, subject to the General Conditions as established by the Commission and the following specific conditions:

1. Applicant's post construction maintenance plan S2 be followed;
2. Sanitary sewer and water lateral connections to the building be shifted so they are not immediately adjacent to the wetlands in a manner acceptable to the Town Engineer;
3. Controlled overflow from the wetland to the catch basin at the intersection of Cutler's Farm Road and Spring Hill Road in a manner acceptable to the Town Engineer;
4. Curbing be installed continuously along Cutler's Farm Road.

Discussion. MOTION CARRIED by a vote of 3 in favor (Chamberlain, Girouard, Lubin), 1 against (Fox) and 2 abstentions (Deecken and Lauria).

Motion made (Chamberlain) seconded (Fox) to APPROVE Application 09-36 (Tice/Fiori), as submitted, subject to the General Conditions as established by the Commission. Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

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Motion made (Lauria) seconded (Fox) to waive the application fee on Application 09-34 (Herndon). Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

Motion made (Lubin) to DENY Application 09-34 (Herndon) on the basis of the applicant's intention to fill wetland area without appropriate remediation for creation of additional wetland area. After discussion, Mr. Lubin withdrew his motion.

Motion made (Deecken) seconded (Lauria) Application 09-34 (Herndon) be deemed a significant impact activity. Discussion. All in favor – MOTION CARRIED UNANIMOUSLY.

Motion made (Lubin) seconded (Fox) to APPROVE Application 09-41 (Pagliarini/Smith), as submitted, subject to the General Conditions as established by the Commission. Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

Motion made (Lubin) seconded (Deecken) to APPROVE Application 09-43 (Salerno), as submitted, subject to the General Conditions as established by the Commission. Discussion. All in favor – MOTION CARRIED UNANIMOUSLY.

Motion made (Chamberlain) seconded (Fox) to waive the application fee on Application 09-39 (Kachele). Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

Field Inspections:

Field inspections were scheduled for November 18, 2009 at the 9:00 a.m. on the following applications:

09-34 – Herndon – pool is to be staked and limits of disturbance for the proposed wall flagged;

09-39 – Kachele – site is to be staked and limits of disturbance flagged;

09-42 – Gregory – septic galley staked and wetlands flagged;

09-44 – Steeves/Mackey.

Motion made (Deecken) seconded (Lubin) to adjourn the meeting at 10:55 p.m. No discussion. All in favor – MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,
Joyce Augustinsky, Clerk