

**MINUTES
INLAND WETLANDS AND WATERCOURSES COMMISSION
DECEMBER 1, 2009**

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

ALSO PRESENT: Stephen Savarese, PE, LS Town Engineer

The Chairman convened the meeting at 7:32 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, December 1, 2009, at 7:30 p.m. in the Trumbull Town Hall Courtroom, 5866 Main Street, Trumbull, Connecticut, on the following applications:

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.

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.

Application 09-42 Quatrella & Rizio (William and Lisa Gregory). Permit approval to construct a 22'x36' in-ground swimming pool in a regulated area at 18 Applegate Lane.

Application 09-44 Douglas and Elizabeth 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.

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 10th day of November, 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 09-34 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. Edward Herndon was present and

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submitted certified mail cards. Discussions took place regarding a sketch showing an adjustment in location for the pool, a retaining wall and drainage easements. Paul Taormina, 25 Grayrock Road, Trumbull, a professional engineer, went over drawings with a scale model of the pool with the Commission in an attempt to relocate the pool to a suitable location on the property. The applicant indicated he is not opposed to moving the pool and wants to put up a wall instead of a fence. The Commission instructed the applicant to re-mark the site prior to the site walk. Discussions took place regarding the easements on the property. The applicant was advised if the pool is located in an easement, the Commission will require a certification to the Commission and the Town stating it is not going to affect the easement or the viability of the drainage easement. The applicant needs to relocate the pool and resubmit plans at the next meeting. Motion made (Lauria) seconded (Fox) to continue Application 09-34 (Herndon) to next month. Discussion. All in favor – MOTION CARRIED UNANIMOUSLY.

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 09-39 – 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. Otto Theall a wetland scientist was present for the applicant and stated Joe Codespoti is delayed and requested the application be moved to later on the agenda and the Chairman agreed.

Application 09-42 - 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 and submitted certificate of mailing from the Post Office. Mr. Gelderman stated the swimming pool will be 22' x 36' feet, including the concrete pad, and about 14 feet from the edge of the wetlands. There will be no significant impact on the wetlands.

Bill Gregory, the homeowner, stated they will be putting in a fence along the grass line but will be applying for that under another application. Mr. Gelderman stated at this point they just want to get the hole dug for the pool prior to winter and get the process started. Discussion took place regarding the location of the fence, landscaping and pool equipment.

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

The Chairman stated the applicant requested to have Application 09-44 (Steeves/Mackey) continued until the next meeting.

Motion made (Lauria) seconded (Fox) to continue Application 09-44 (Steeves/Mackey) to next month. Discussion. All in favor – MOTION CARRIED UNANIMOUSLY.

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. Joseph Codespoti, an Engineer from Codespoti and Associates, submitted certified mailings and read a letter from Andrew Kachele. He stated the house will be 32.4 feet from the wetlands, 950 square feet of wetlands will be filled, the size of the conservation area was increased and a post and rail fence will be put up. He also went into detail describing the conservation areas, rain garden, drainage, groundwater, and storm water treatment. He also addressed each point the Commission was concerned with in the last application.

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Karen Destefanis, GPG of Leggette, Brashears & Graham, Research Drive, Shelton, professional ground water and environmental engineering services, was present and she submitted her resumé for the record. She stated she looked at the site to determine affects of impacts on ground water, water level, over flow and building foundation. She went over the different soil types and rock on the site and she described the five components of a water budget. Ms. Destefanis stated there are two wetland areas on the site and there will be no significant change to the water table and no impact from the foundation. Based on her evaluation they concluded the proposed single family residence is not going to impact groundwater or the water table. Discussion took place regarding bedrock on the site and the soil covering it.

Mr. Codespoti stated the house will have a walk out basement and there will be no blasting or disturbance to the bedrock. He continued addressing the Commission's points of concern and referred to the hydrology report and engineering data for under the driveway they provided. Mr. Codespoti stated there are two separate wetland areas and they are not dividing two wetlands.

Otto Theall a professional soil scientist and professional wetland scientist stated he delineated the wetlands, dug numerous 20 inch test holes, used 2 or more holes at each flag marking and took multiple samples at each point. He stated the wetland on the site is a wooded wetland and the northeast edge of the wetland by Patriot's Road is where the filling for the driveway crossing will be and he highlighted the mitigation plan. He is not anticipating any change in wetland functions, retention or wildlife and there will be no negative impact. He also stated the wetland is not being divided and eighty percent of the lot will not be disturbed. He also stated the proposed fill area at the fringe wetland already has impact because of the road that is already there.

Steve Savarese questioned Ms. Destefanis regarding the two wetland areas and she stated they are not connected they are two separate entities as part of one complex. Mr. Codespoti discussed other alternatives and described other houses in the area and he stated the proposed house occupies less square footage than the other houses in the neighborhood. He said this application should be approved on its merits because it provides more in the way of recharged ground water and renovation of storm water than anyone else in the neighborhood.

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

Risa Sorge, 63 Limerick Road stated the property is wet all the time and pesticides and chemicals will be used by the homeowner. She referenced a statement that was on her bill from the water pollution control authority regarding contaminants and chemicals entering ground water and she also referred to Section 4.1b of the Regulations.

She read a statement from Gregg Danko into the record.

Michael London, 15 Lake Avenue, a member of the Town Counsel but is speaking as a resident and not on behalf of the Town Counsel said the entire site is wet and the property should not be developed and should not be disturbed. He stated neighbors alongside wetlands dump pesticides and fertilizers right next to the wetlands and dump brush and trash into the wetlands.

Gary Sorge, 63 Limerick Road, a licensed landscape architect does not like the house between two wetlands. He also stated if the current Regulations were in place in the 1960's many of the houses on Hills Point and Anita would not be there. The buffer areas are too close, should be 50 feet minimum, and the driveway is

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right in the wetlands. This is not the right site to build on and the wetlands are a connected system and the house will be an obstacle. He also believes Patriot's Road should be de-mapped and turned into green.

Carol Krim, 62 Hills Point Road, read a letter from Richard Hillman of 57 Hills Point Road into the record. She has lived there for 42 years. Environmental issues are very important to her and she is very concerned about causing permanent destruction of the remaining wetlands. Wetlands, clean air, clean water and the ego systems around wetlands are very important to our environment.

Larry Gross, 50 Hills Point Road, an engineer. The Regulations do not cover this situation of an island surrounded by wetlands and this needs special attention. Issues he discussed were: house being surrounded by trees; sewer pump and sewage holding tank; trenches; blasting; use of chemicals like pesticides and fertilizers.

Don Murray, 68 Hills Point Road, served on P&Z for 25 years, contractor for 30 years served on the building department for 25 years and saw just about everything that could happen on a lot and it always isn't what you planned and he believes there will be rock on the property. He thinks they are going beyond what they should do and this will open the door to more development on the other acres.

Ethel Miano, 68 Hills Point Road, she has the only driveway on Patriot's Road. The functions of the rain garden were discussed. She is concerned about the protection of the wetlands when the house is sold. She is against it for environment purposes and it is best left as it is.

Elizabeth Britt, 56 Hills Point Road. She referenced a sign at the top of Merrimac Road that says "Tashua Hill is the highest point on the eastern seaboard" that leads right into Hills Point Road. She had to build a culvert to keep water away from her house. Wetlands are natural barriers that help support where the rain should go. She wanted to know what will happen when these wetlands are destroyed and will it cause a flooding issue for the neighbors? The construction of the house and the use of equipment will affect the wetlands.

Lorraine Hillman, 57 Hills Point Road. Has lived there since 1966. This is a very wet neighborhood and has had problems with water in her basement. She feels they have to protect the wetlands.

No one else from the public came forward.

The Chairman called a recess.

The Chairman reconvened the public hearing at 10:35.

Joe Codespoti addressed comments made by the public.

Karen Destefanis commented on her site inspection and the condition of the wetlands when she was there.

Otto Theall stated it is unfair to imply the entire site is wetlands and he noted that he used 120 soil samples to make the wetland delineation. He also commented on remarks made on buffer areas, wetland regulations, pesticides, herbicides and fertilizers.

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Joe Codespoti addressed comments regarding the holding tank and pumps. He also said they will refrain from blasting, they will be very careful using heavy equipment and no work will be done in the conservation area. He also stated that 99.98 percent of the wetlands will be preserved and not touched.

Motion made (Fox) seconded (Lubin) to close the public hearing at 10:50 p.m. No Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

The Chairman opened new business at 10:55 p.m.

Application 09-40 – Town of Trumbull. Up-date Regulations. The Chairman informed the Commission that the State has increased its fee from \$30.00 to \$60.00 for each application and this change will also be to the up-dated Regulations. Motion made (Lauria) seconded (Lucas) to RECEIVE Application 09-40 (Town of Trumbull). Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

Application 04-36 – ABM Brothers. Requesting 5 year extension of permit for 6540 Main Street. Attorney Frederick Ehram was present and submitted copies of the original approval and map for the record. He is requesting an extension of the approval under Section 22A 42a 2d2 of the Connecticut General Statutes. They are not requesting any modification only an extension. The Commission addressed the condition of the stream and its need for cleaning and up-keep was discussed. Mr. Ehram said the situation will be addressed and agreed to the stream clean-up and agreed to it as a condition of the extension. Mr. Ehram stated this will be a one story and not a two story facility and the footprint will remain the same.

David Bjorklund, of Spath-Bjorklund, was also present for ABM Brothers stated Alternate 1 was approved and that is what they want the extension for.

Motion made (Fox) seconded (Lauria) to RECEIVE Application 04-36 (ABM Brothers). Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

Motion made (Fox) seconded (Lubin) to close new business at 11:20 p.m. No Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

The Chairman opened old business at 11:20 p.m.

The Commission wants advice of counsel on Hyatt and Cook and will continue both until the next scheduled meeting.

Motion made (Fox) seconded (Lucas) to continue Application 08-28 (Hyatt). Discussion. All in favor – MOTION CARRIED UNANIMOUSLY.

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

The Chairman closed old business at 11:25 p.m.

The Chairman opened the work session at 11:25 p.m.

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

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Motion made (Chamberlain) seconded (Lauria) to accept meeting minutes of November 9, 2009 and field inspection minutes of November 18, 2009. No Discussion. One abstention (Lubin) (Deecken voting).
MOTION CARRIED UNANIMOUSLY.

Motion made (Lauria) seconded (Lubin) to APPROVE Application 09-42 (Gregory), as submitted. After discussion, Mr. Lauria withdrew his motion and Mr. Lubin withdrew his second.

Motion made (Lubin) seconded (Fox) to APPROVE Application 09-42 (Gregory) subject to the General Conditions as established by the Commission and the following specific conditions:
Prior to any construction the Applicant is to submit a revised plan showing the location of the fence at a location not less than one foot away from the apron of the wetlands and also locating the pool equipment.
Discussion. All in favor – MOTION CARRIED UNANIMOUSLY.

Motion made (Lucas) seconded (Jorgensen) to CONTINUE the work session for the public hearing held this evening on Application 09-39 (Kachele) to the next regularly scheduled meeting of January 5, 2010.
Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

Application 04-36 - Motion made (Lubin) seconded (Lucas) to APPROVE five (5) year extension of permit for 6540 Main Street with the condition that within the next six weeks all debris in and around the stream will be removed.

Discussion. MOTION CARRIED by a vote 5 in favor (Girouard, Lubin, Lucas, Lauria, Jorgensen), 1 against (Fox) (Chamberlain recused himself from voting).

Motion made (Fox) seconded (Lubin) to elect Richard Girouard as Chairman of the Inland Wetlands and Watercourses Commission. Discussion. All in favor – MOTION CARRIED UNANIMOUSLY.

Motion made (Girouard) seconded (Jorgensen) to elect Arlyne Fox as Vice-Chairman of the Inland Wetlands and Watercourses Commission. Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

Motion made (Girouard) seconded (Lucas) to elect Andrew Lubin as Secretary of the Inland Wetlands and Watercourses Commission. Discussion. All in favor - MOTION CARRIED UNANIMOUSLY.

Motion made (Lubin) seconded (Lucas) to approve the scheduled 2010 meeting dates as presented at this meeting. Discussion. All in favor – MOTION CARRIED UNANIMOUSLY.

Field inspection was scheduled for December 15, 2009 at 3:15 p.m. on 09-34 (Herndon).

The Chairman closed the work session at 11:55 p.m.

Motion made (Lucas) seconded (Jorgensen) to adjourn the meeting at 11:55 p.m. No discussion. All in favor – MOTION CARRIED UNANIMOUSLY.

Submitted by,
Joyce Augustinsky
Clerk of the Commission