

**INLAND WETLANDS AND WATERCOURSES COMMISSION  
MINUTES - JULY 1, 2008**

MEMBERS PRESENT: Richard Girouard, Chairman  
John Doris, Vice Chairman  
John Lauria  
Andrew Lubin  
David Lucas

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

The Chair convened the meeting at 7:39 p.m.  
Mr. Lauria led the Commission in the Pledge of Allegiance.  
Mr. Doris 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, July 1, 2008, at 7:30 p.m. in the Trumbull Town Hall Courtroom, 5866 Main Street, Trumbull, CT, on the following applications:

Application 08-12, Joseph Hyatt. Permit approval to fill 150x150 foot area and seed; replant evergreen trees at 49 Moose Hill Road.

Application 08-14 - Michael Iaccarino, Jr. Permit approval for proposed brush removal, landscaping, fence construction and masonry in a regulated area at 39 Puritan Road.

Application 08-15 - Ann and Dave Sears. Permit approval for proposed deck and spa, fence construction and masonry in a regulated area at 106 Blackhouse Road.

Application 08-16 - John and Karen Holmes. Permit approval to remove brush from behind stonewall and plant tree and bushes along wall; trim and clean area and grade with grass or mulch in a regulated area at 25 Strobel Road.

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

Dated at Trumbull, CT this 10th day of June, 2008  
Richard H. Girouard, Sr., Chairman - Inland Wetlands and Watercourses Commission of the Town of Trumbull

Public Hearing:

The Chair opened the public hearing at 7:44 p.m.

Application 08-12 - Joseph Hyatt. Permit approval to fill 150x150 foot area and seed; replant evergreen trees at 49 Moose Hill Road. The Chairman announced that the Commission would not be hearing the application because the mailings did not go out to the public. Mr. Hyatt indicated that he is withdrawing his application and will resubmit in September and will be heard in October at the public hearing. The Chairman called for a vote to waive the resubmittal fee for the application

Judy Klein, 15 Whitefield Drive came forward and stated that she believed there was supposed to be testing of the landfill and she wanted to know if it passed. Attorney Lieberthal stated that he talked to Mr. Hyatt and he has not done testing yet and it's up to him. The cease and desist is in place and is in effect.

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Upon Motion made (Doris) seconded (Lauria) to accept the withdrawal of Application 08-12, allow applicant to resubmit in September 2008 and waive fee for the new application. Discussion. MOTION CARRIED UNANIMOUSLY - all present voting.

Application 08-14 - Michael Iaccarino, Jr. Permit approval for proposed brush removal, landscaping, fence construction and masonry in a regulated area at 39 Puritan Road. Certificates of mailings were submitted for the record. Mr. Iaccarino was present and stated he is looking to do some work in his backyard because the landscaping has been neglected and it was previously landscaped to the sedimentation pond. The applicant described the work that has been done and wants to be able to finish the work. He also stated that he has a letter from NIA allowing him access to a small area of land between Oriole Lane and his property. He read into the record a letter from Mark and Tamara Peterson, 43 Puritan Road supporting his work. He also said that he never intended to damage any wetlands. Mr. Lauria said that he could see that a path was cut from Oriole Lane – Applicant indicated that he did not cut down he only cleared brush and limbs and the only tree that was cut was one that had fallen down. All the brush has been removed between the house and the pond and there is evidence of burning. There was a discussion between Mr. Lauria and the applicant regarding what is the regulated area. Mr. Lauria also stated that the silt screen is improperly installed and needs to be corrected. He is also concerned about all the brush that was removed and the impact it may have on the pond. The applicant indicated that he will remediate whatever the Commission feels is appropriate. There are no plans to dredge the pond. The applicant also said he would find another solution to get to the pond area if he could not use NIA access.

Laura Rock, the applicant's landscape designer, was present and went over photos and landscaping plan. She recommends grass be planted now for erosion control and she stated that she did not see any impact on the wetland area from work that has already been done. Mr. Doris wanted to know if the wood chips by the NIA property are going to be removed. She thinks they should be left alone and not disturb them at this point because they are helping with erosion control and the chips will eventually decompose. She also stated that grass will not go right to the edge of the pond and there will be a buffer with plantings in the buffer. The applicant indicated that he has not touched the hillside and has no plans to do anything to it and the existing buffer in that area will not be touched.

Mr. Lauria suggested that this matter be continued and the applicant come back with a planting plan. The applicant wants to be able to put the grass back on the hillside and flat area as soon as possible. He was advised that it would be discussed during the work session.

Mr. Doris read a letter from Carole Bobela, 76 Oriole Lane into the record and the applicant commented on the letter.

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

Tim Lawler, 24 Apple Orchard Lane. He stated that in May he contacted the Town of Trumbull regarding landscaping on Puritan Road and it appeared that the wetland was unprotected. He saw no wetland flag markers, no silt fence, hay bales, swales, no stabilizing construction controls and security fence. He stated that his call triggered a formal complaint and the Town went out to inspect the site. He would like to see a 20 foot buffer to protect the wetland. He also stated that he got the signatures and filed the petition for a public hearing so the Commission would walk the site and see what was going on and he wanted the Commission's input. His biggest concern is the access through Oriole Lane and crossing through the wetland. He would like to see the work be done from the top down. He also said the sedimentation pond is now an established wetland – if no maintenance was done for 15 to 20 years the wetland has been able to grow. To bring it back to the way it was would be impacting what's there now. If the Commission does allow access through the wetland appropriate measures need to be taken to make it as safe as possible because the watershed upstream does effect Thrushwood Lake.

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Mr. Lubin wanted to know if the area from Oriole Lane to the pond is wetlands or a regulated area. Steve Savarese stated the area in and around the culvert could possibly be considered wetland soils but it's definitely in the regulated area.

The Chairman asked if there were any other questions from the Commissioners.

Glenn DeMott, 74 Oriole Lane. Mr. DeMott wanted to know about the access point on Oriole Lane.

The applicant said if it continues to be an issue and people don't want him to go through that area then he will go through his front lawn and go down the hillside. He also said that he was going over a culvert pipe and not the marsh area or through the path of the water to Thrushwood Lake. He removed things that were evasive and he did not remove wetland vegetation.

Steve Savarese explained the 20 foot drainage easement along Lot 38. The Chairman stated that the Commission wants a plan. The applicant agreed to a continuance to September, 2008.

Upon Motion made (Lauria) seconded (Doris) CONTINUE Application 08-14 to the September 2, 2008 meeting. Discussion. MOTION CARRIED UNANIMOUSLY - all present voting.

Application 08-15 - Ann and Dave Sears. Permit approval for proposed deck and spa, fence construction and masonry in a regulated area at 106 Blackhouse Road. Certificates of mailings were submitted for the record. The applicants stated they are proposing to replace the infrastructure of their backyard by replacing concrete, spa, deck, wood path, wood fence, relocating propane tank, electrical line for the spa, and gutter drain. The footprint will be the same as what was there. The Town's survey crew has determined that the site is outside of the flood zone.

The Chairman asked if there were any other questions from the Commissioners.

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

Application 08-16 - John and Karen Holmes. Permit approval to remove brush from behind stonewall and plant a tree and bushes along wall; trim and clean area and grade with grass or mulch in a regulated area at 25 Strobel Road. Certificates of mailings were submitted for the record. The Applicants stated it is their intention to improve the landscaping along the front on Strobel. There was discussion between the Commissioners and the applicants regarding the location of the work to be done. The applicants did not have exact dimensions or distances from the stream and do not know exactly where their property line is. The survey crew will mark the dimensions for a fence/wall. The tree warden should be contacted regarding a large tree on the site. Mr. Lubin stated the Commission would like to see a plan with dimensions, proposals, what the stonewall will look like, how close it will be to the creek, disturbance, and plantings. The Commission suggested the applicants get site plans for their property and their neighbors'. The Chairman requested Steve have the survey crew go out and also check with the tree warden. The applicants agreed to a continuance to September, 2008.

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

Upon Motion made (Lauria) seconded (Lubin) CONTINUE Application 08-16 to the September 2, 2008 meeting. Discussion. MOTION CARRIED UNANIMOUSLY - all present voting.

Upon Motion made (Lauria) seconded (Lucas) to close the public hearing. No discussion. MOTION CARRIED UNANIMOUSLY - all present voting.

The Chairman closed the Public Hearing at 9:13 p.m.

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The Chairman opened new business at 9:15 p.m.

New Business:

**08-17 - Emilio Ferri.** Permit approval to construct single family dwelling, extension of roadway, retaining wall and driveway in a regulated area at Sycamore Street Parcel C. Attorney Peter Gelderman was present representing the applicant. This site has been before the Commission in the past and it has been redesigned to minimize impact on the wetlands. Sycamore is an undeveloped paper street. The proposal is to merge the two lots at the end of Sycamore - it is part of an approved subdivision and the road has never been built. The house will be located on the lower of the two lots and then both lots will be merged into one with a hammerhead type turnaround. This site was previously submitted and denied and the new plan moves the house closer to Sycamore away from the wetlands.

Gregory Pidluski a professional engineer and land surveyor indicated the galleys are for roof leader mitigation. Sewers would be installed and there is no sewage disposal proposed. The galleys are on the wetland fringe and would mitigate the 100 year design storm. They would be filling less than 600 square feet of wetlands. Site would be flagged prior to site walk. No work has been started on the other two houses on the other lots. The closest point from the house to the wetlands is probably approximately 10 feet.

Upon motion made (Lubin), seconded (Lucas), to RECEIVE Application 08-17. Discussion followed.  
MOTION CARRIED UNANIMOUSLY - all present voting.

**08-18 - Anthony Cusello.** Permit approval to construct second story on existing structure in a regulated area at 2 West Mischa Road. The applicant stated the work would be within the existing footprint and the storm drains would be exactly as they are now with the exception of a 60 or 70 square foot piece of roof that would straddle the deck. The deck footings may have to be enlarged. The lot tapers from 50 to 35 feet to the stream and there is an open lot between the site and the lake.

Upon motion made (Lucas), seconded (Doris), to RECEIVE Application 08-18. Discussion followed.  
MOTION CARRIED UNANIMOUSLY - all present voting.

**08-19 - The Briad Group c/o John F. Fallon.** Permit approval to construct a 4 story, 123 room hotel and associated parking facilities in a regulated area at 25 & 45 Commerce Drive at the intersection of Merritt Boulevard and Commerce Drive. Attorney John Fallon was present representing the applicant and with him were Jim Talerico, David Mack, Kevin Solli, engineer, and Michael Klein, soil scientist. Attorney Fallon stated that David Mack has been a major developer and property owner in Trumbull for many decades and he originally developed the Trumbull Marriott. Briad Group is a major developer and operator of quality hotel properties throughout the U.S. The application is for a 123 room extended stay hotel called Summerfield Suites by Hyatt. The hotel will act as an anchor for the corporate park. Kevin Solli will present an overview of the site layout and engineering and Michael Klein will review the wetlands and watercourses and the regulated areas on the property. Mr. Fallon stated that no significant activities as defined in the Regulations are proposed for this site.

Kevin Solli, a licensed engineer with Langan Engineering in New Haven - the site consists of two parcels for a total of over 14 acres and is located at the intersection of Commerce Drive and Merritt Boulevard. The existing 45 Commerce Drive parcel consists of an office building with parking at 25 Commerce Drive. Access to the site is off of a driveway on Commerce Drive. The proposal is for a 4 story, 123 room Hyatt Summerfield Suites Hotel with 154 parking spaces and additional 38 car parking north of the existing office building. There will be retaining walls surrounding the driveway up to the hotel to reduce the impact to the wetlands. There will be no increase in the volume of runoff or the deep flow rate from the site up to the 100 year design storm. An underground infiltration basin will be located in the front parking field and the majority of the collected stormwater will infiltrate back into the ground. The stormwater quality improvements include deep sump catch basins, separation of clean roof water, hydrodynamic separator, water quality treatment chamber, underground infiltration system, vegetated swale, stormwater pond with an inspection and

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maintenance program. The landscaping plan is for over ninety trees, over a thousand shrubs, over 2700 perennials & over 200 different ornamental grasses.

Michael Klein, biologist and soil scientist Environmental Planning Services in West Hartford stated he has been involved with the site for several years. The wetlands are flagged and are on the survey - wetland #2 is in the northern part of the site and wetland #1 is in the southwest corner. Wetland #1 is part of the stormwater detention plan and what is captured underneath the parking lot and through the vegetated swale will be discharged into wetland #1. There is evidence of prior disturbance in the center of the site. The existing stonewall by wetland #2 will be removed. Mr. Klein provided a listing of the trees, herbs, and shrubs that will be planted. The existing basin will not be disturbed just expanded and it discharges into existing drainage on the site. Wetlands 2E and 2W are associated with intermittent drainage ways with flow conveyance functions. Primary functions of wetland #1 are water quality and flood control and will be enhanced by the more modern stormwater quality management system. The existing outlet structure and grading of the basin will remain the same. The site will be staked for a site walk. There is no significant or direct impact to the wetlands.

Mr. Fallon recapped by stating there is no disturbance of existing wetland soils, there will be enhancing wetland plantings, site plantings and landscaping, treatment of stormwater and no significant impact activities.

Steve Savarese said that this is a complete and comprehensive plan and it has been developed in accordance with all the current regulations.

Upon motion made (Lubin) seconded (Lucas), to RECEIVE Application 08-19. Discussion followed.  
MOTION CARRIED UNANIMOUSLY – all present voting.

Application 08-20 Hidden Pond Development LLC c/o David Wolkoff. Permit approval of a 9 lot subdivision with 917 linear feet of new roadway; proposed filling of wetland areas; construct approximately 0.11 +/- acres of wetlands at 15 / 198 Booth Hill Road.

Attorney Peter Gelderman of Quatrella and Rizio was present for the applicant. He indicated that the Town's and the applicant's wetland experts together with Mr. Klein have agreed on the location of the wetland lines and that will probably result in the loss of one lot and then the application will be for 8 lots. He stated that David Bjorklund told him there was a disputed wetland line and the plans need to be modified to reflect the location of that line. He indicated that this would be addressed before the public hearing and would be the same application but modified. The Chairman expressed concerns on how it would effect the Commission's walk. Steve Savarese stated the Commission had asked for an independent soil scientist review and an environmental site assessment which cannot be done without a specific plan and he had recommended that it be treated as a significant activity. Mr. Gelderman stated that is information that the Commission would consider for a public hearing and it's not application information and should not delay the acceptance of the application.

Mr. Lauria addressed the following issues:

- Ø the wetland lines are wrong
- Ø a house will be taken out
- Ø Commission did not get reports it wanted submitted before a new application would be accepted.

He suggested that they wait to September to reapply when the applicant has everything. Attorney Lieberthal told Attorney Gelderman that the Commission had previously requested information and did not get it. Attorney Gelderman stated they would withdraw and resubmit and come back with all the information for the September meeting. Mr. Gelderman said he found a letter in the file stating what the Commission wants and Mr. Lauria said he wants Dave Bjorklund at the September meeting.

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Upon motion made (Lauria), seconded (Doris) to accept withdrawal of Application 08-20, allow applicant to resubmit in September, 2008 and if application fee was paid then it is to be waived for new application. Discussion followed. MOTION CARRIED UNANIMOUSLY – all present voting.

Application 08-21 Krzystof Zera. Permit approval to construct dwelling and filling in regulated area at 225 Booth Hill Road. Paul Bombero a licensed land surveyor of Bombero Associates was present representing the applicant. In 2006 they had proposed a dwelling within 50 feet from the front setback street line of Booth Hill Road and the application was denied. The alternate plan is for 40 feet from the street line and requires a variance from ZBA. The applicant has a letter from the Trumbull Sewer Department regarding proposed sewers in 2009. The proposal is to construct a dwelling in the northerly portion of the property, construct a wall 20 feet from the back of the house and some mitigation in the westerly portion of the property. The difference between this proposal and the one from 2006 is it is moved forward 10 feet. The new proposal has galleys for storage in the area that was previously going to be filled. It will be staked and flagged for the site walk. There will be about 50 feet of filling or about 4,000 square feet and would gain about 1500 square feet from mitigation. The pipe that is shown that discharges into the wetlands comes from Booth Hill Road's catch basin.

John Lauria stated he believes this is a significant activity and 7.6a applies and Mr. Bombero said if 7.6a applies then it would be addressed. Steve Savarese recommended this application be treated as a significant activity and he previously spoke with Mr. Bombero and suggested that it has a significant impact.

Upon motion made (Lauria) seconded (Lubin), to RECEIVE Application 08-21. Discussion. MOTION CARRIED UNANIMOUSLY – all present voting.

08-22 William Henry. Permit approval to remove existing deck and construct new deck in a regulated area at 137 Cottage Street. Traci Sacco was present for the applicant who wants to build a deck extension of 10x12 feet and change the window to a slider to go out to the deck. It is 60 feet from the deck extension to the watercourse.

Upon motion made (Lucas) seconded (Doris), to RECEIVE Application 08-22. Discussion. MOTION CARRIED UNANIMOUSLY – all present voting.

Upon motion made (Doris), seconded (Lucas) to close new business at 10:32 p.m. No Discussion. MOTION CARRIED UNANIMOUSLY – all present voting.

Motion made (Lauria) seconded (Lucas) to APPROVE meeting minutes dated June 3, 2008 and field inspection minutes of June 23, 2008. Discussion - to amend date. MOTION CARRIED BY A VOTE OF 4 IN FAVOR AND ONE ABSTENTION (Lubin) – all present voting.

Work Session:

The Chairman opened the work session at 10:35 p.m.

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

Application 08-12 – Hyatt. Application was withdrawn by the applicant.

Application 08-15 Ann and Dave Sears. Applicants need to maintain proper sediment fence at the top of the stream. They are outside of flood zone and activities will have no affect on the wetlands.

Motion made (Lauria) seconded (Doris) to APPROVE Application 08-15, as submitted, subject to the General Conditions as established by the Commission. Discussion. MOTION CARRIED UNANIMOUSLY – all present voting.

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Application 08-14 – Iaccarino. Discussion took place regarding the applicant seeding the hillside and access to the work area and it was noted that the applicant said he would agree to not go thru Oriole Road.

Motion made (Lauria) seconded (Doris) to CONTINUE Application 08-14 with the following conditions:

- Ø Seed hillside to toe of slope and properly install silt fence;
- Ø Go thru front of property to access work area and not thru Oriole Lane – egress site from Puritan Road.
- Ø Submit landscaping plans including planting plan.

Discussion. MOTION CARRIED UNANIMOUSLY – all present voting.

Application 08-16 – Holmes. Discussion regarding continuance until September and the survey crew will go out to the site.

Application 08-17 – Ferri. Mr. Lauria stated that he would like to walk the site. Steve Savarese stated that it is an extremely deficient application and it's a significant impact. There was discussion as to whether or not it would be a cul-de-sac or a hammerhead and whether or not a hammerhead could get approved as it is not part of standard road construction. There are two houses that have already been approved and there is no turn-around on the street. The Commission thinks the applicant wants the wall and a hammerhead. Steve stated that the plans are incomplete and the topography was never completed by the surveyor. There was further discussion regarding needed information for 7.6a and material that is needed prior to a site walk and the applicant would be called in the morning about the missing information.

Motion made (Doris) seconded (Lucas) to DENY Application 08-17 without prejudice for the following reasons:

- Ø Application is incomplete as it stands;
- Ø Constitutes a significant impact to the wetlands;
- Ø Fee will be waived upon re-submittal.

Discussion. MOTION CARRIED BY VOTE OF 3 IN FAVOR AND 2 ABSTENTIONS (Lubin and Lauria) – all present voting.

Application 08-18 – Cusello. Permit approval to construct second story on existing structure in a regulated area at 2 West Mischa Road. Discussion regarding the addition going straight up with no expansion.

Motion made (Lubin) seconded (Lucas) to APPROVE Application 08-18, as submitted, subject to the General conditions as established by the Commission. Discussion. MOTION CARRIED UNANIMOUSLY – all present voting.

Application 08-19 – The Briad Group c/o John F. Fallon. Permit approval to construct a 4 story, 123 room hotel and associated parking facilities in a regulated area at 25 & 45 Commerce Drive at the intersection of Merritt Boulevard and Commerce Drive. Steve explained that they will be taking an existing wetland and expanding it and enhancing the wetland body that is there now. On the landscape plan it shows they will be keeping the original grade and enhancing the buffer to try to improve the wetland function on the other side of the wall. Mr. Lauria stated that with a project this size he would like to go out and take a look at the site and have a public hearing. There was discussion about what this proposal would do to the wetlands and if there is wetland interference. It appears to be a complete and comprehensive plan that is developable and viable. Steve commented that they adhered to the modern 2002-2004 standards and that the operation and maintenance of the structures will be done privately and they're not putting detention systems in

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Town streets that the Town has to maintain – they will take care of it themselves and make sure they operate and function properly. The site is not within 500 feet of Stratford's border.

Motion made (Lubin) seconded (Doris) to APPROVE Application 08-19, as submitted, subject to the General Conditions as established by the Commission. Discussion. MOTION CARRIED BY A VOTE OF 4 IN FAVOR AND 1 ABSTENTION (Lauria) – all present voting.

Application 08-20 – Hidden Pond Development LLC c/o David Wolkoff. Permit approval of a 9 lot subdivision with 917 linear feet of new roadway; proposed filling of wetland areas; construct approximately 0.11 +/- acres of wetlands at I15/198 Booth Hill Road. This matter was withdrawn by Attorney Gelderman and applicant will resubmit in September, 2008.

Application 08-21 – Krzysztof Zera. Permit approval to construct dwelling and filling in a regulated area at 225 Booth Hill Road. Steve Savarese said that the application is deficient and they need to get professionals to mitigate the wetland impacts and to find the best and most reasonable and prudent alternate. Mr. Lubin suggested that the Commission require the applicant to submit comprehensive plans. There was discussion on whether or not the application should have been received by the Commission without the needed information. The applicant needs to submit information. The applicant should get called in the morning with an explanation of what the Commission wants and what is needed and they can resubmit in September with no application fee.

Motion made (Lubin) seconded (Lucas) to DENY Application 08-17 without prejudice.

Ø Applicant can resubmit with additional material in accordance with both our Regulations and requirements of the Town Engineer;

Ø Re-application fee will be waived.

Discussion. MOTION CARRIED BY VOTE OF 4 IN FAVOR AND 1 ABSTENTION (Lauria) – all present voting.

Application 08-22 – William Henry. Permit approval to remove existing deck and construct new deck in a regulated area at 137 Cottage Street.

Motion made (Lucas) seconded (Doris) to APPROVE Application 08-22, as submitted, subject to the General conditions as established by the Commission. Discussion. MOTION CARRIED UNANIMOUSLY – all present voting.

Correspondence:

No discussion on correspondence included in each Commissioner's packet.

Old Business:

Regulations – Commissioners will meet on either July 28<sup>th</sup> or August 5<sup>th</sup> to work on the up-dated Regulations. An e-mail will be sent to find out which date is preferred.

Motion made (Lucas) seconded (Doris) to adjourn at 11:36 p.m. No discussion. MOTION CARRIED UNANIMOUSLY – all present voting.

Respectfully submitted,

BY: \_\_\_\_\_  
Joyce Augustinsky, Clerk