

TOWN OF TRUMBULL
CONNECTICUT



INLAND WETLANDS AND WATERCOURSES COMMISSION
MINUTES
September 6, 2011

MEMBERS PRESENT: Richard Girouard, Chairman
Arlyne Fox, Vice Chairman
John Lauria, Secretary
Carmine DeFeo
Lars Jorgensen
Kevin Chamberlain, Alternate (voting) (Arrived at 7:40 p.m.)

MEMBERS ABSENT: Frank Marcus, David Lucas

ALSO PRESENT: Stephen Savarese, PE, LS Town Engineer

The Chair convened the meeting at 7:35 p.m.

All present joined in the Pledge of Allegiance led by Commissioner Fox.

REGULAR MEETING:

NEW BUSINESS:

The Chairman opened New Business at 7:37 p.m.

Application 11-22 John Bertanza J.P. Maguire Assoc. - Permit approval to remove existing garage slab, demolition of existing garage and construction of a new garage in a regulated area at 7185 Old Turnpike Road.

John Bertanza of J. P. Maguire of J. P. Associates of 266 Brookside Road of Waterbury, CT was present on behalf of the owners. Mr. Bertanza indicated that the garage had been irreparably damaged by the heavy snow load of last winter; the garage has since been removed. The existing slab was found not to have sufficient footings to build on. The original size was too large for current regulations. The new proposed garage is limited to 36' x 24' (864 sq. ft.). The existing garage was built in the 1940's or 50's and was approximately 1,000 sq. ft. The footings are non-existent; therefore a new slab is necessary. The dark dashed lines on the site-plan represent a silt fence. The house was built in 1802. The garage was originally built into the regulated area; it is now being built further away from the regulated area.

Motion made (Fox) seconded (Jorgensen) to **RECEIVE** Application 11-22 (John Bertanza of J.P. Maguire Assoc.). All in favor. **VOTE: MOTION CARRIED UNANIMOUSLY.**

Application 11-23 Robert J. Kovac - Permit approval to extend front porch with a full basement below in a regulated area at 57 Ironwood Road.

Mr. Robert Kovac of Sherwood Homes LLC of 18 Bronson Drive, Shelton, CT was present. Mr. Kovac indicated that he was seeking permission to extend the front porch at 57 Ironwood Road. Currently the porch is 6' off the house and is 12' wide; his client would like to extend the porch to the length of the front of the house which is 23' and its width to 8' and is proposing a full basement below. Two (2) photographs were submitted for the record. Mr. Kovac indicated that they would not be going any further into the wetlands than when the house had been originally built. There is currently a finished basement; in the future the clients would like to add a basement wine cellar; the space below the porch area would serve as the wine cellar.

Motion made (Chamberlain) seconded (Fox) to **RECEIVE** Application 11-23 (Robert J. Kovac). All in favor.
VOTE: MOTION CARRIED UNANIMOUSLY.

Application 05-16 (Modified Application) (Amendment effective 2007) - Sound Development Group, LLC Permit approval for minor modification to previously approved activities as approved by Application 05-16 as amended on May 8, 2007 in a regulated area at 41 & 51 Monroe Turnpike.

Attorney Raymond Rizio representing Sound Development Group was present. This property was originally approved in 2005 to fill wetlands; these wetlands represented a man-made drainage ditch that had handled the water of RT. 111. In 1993 the DOT did substantial improvements to RT. 111 pushing all of the water into a drainage area within RT. 111 making this wetland unnecessary and obsolete. In 2005 Sound Development came before this Commission for the Lowe's project and was granted a permit to build Lowes and fill this dry isolated wetland. In 2007 Sound Development came back before the Commission for a modification representing the construction of condominiums, an assisted living facility, a restaurant and a bank project. The condominiums were built and sold; the assisted living portion of the project lost its funding and walked from the project. The developers are currently looking for additional anchors for 41&51 Monroe Turnpike. Under the original application and as modified, the condominiums filled the upper portion of the wetlands; further isolating and cutting off the obsolete drainage ditch. They are now proposing a 22,000 sq. ft. health club, a retail shopping center and a stand-alone 4,000 sq. ft. restaurant. The proposed plan has reduced the impervious surface to 68% from the original plan of 98 % impervious surface and is requesting a reconfiguration of the 2007 space. Work has already begun with regards to the existing permit, the filling of the obsolete drainage ditch, which was classified as wetlands. The new reconfiguration of the buildings on-site is what needs approval at this time.

Joseph Pereira, Professional Engineer and managing member of Pereira Engineering located at 1 Enterprise Drive, Shelton, CT was present. Mr. Periera described the original storm water management plan to the commission as follows: In 2005 the proposal was originally 11.5 acres, one piece; the condos came later in the project. There was 93% of impervious surface and the water went into an underground detention system. The storm water was treated. The Tennis Club had an east intermittent watercourse; the Tennis Club's overflow was treated and discharged into the wetland offsite. In 2007 the project was still a mix-use development, the condos had been constructed, some of the wetland fill-in had been constructed and the drainage was all in. The underground storage system had been switched to an above ground storage system but still discharging to the same wetland. The swale had been broken into two (2) bio -filtration swales. The concept remained the same for 2005 & 2007. The current proposal includes the completed condos, a water quality basin has been added and still maintains the bio-filtration swales but have gone back to an underground detention system still treating the storm water quality with hydro-dynamic separator and the off site wetland. The site has changed but the same concepts are maintained.

Atty. Rizio stated that the proposal is a 22,000 sq. ft. retail building, one of the uses is a fitness center it could also be a straight retail. When the project goes to P&Z the uses will be set and will be presented as such. From a wetlands perspective this proposal is a 22,000 sq. ft. box in a retail zone.

Mr. Pereira stated that the Trumbull regulations require that the proposal be designed for the 25-year storm. The Town Engineer, Mr. Savarese confirmed for Ms. Fox that the regulation had been lowered in 2009 to the 25-Year storm. Mr. Pereira explained that proposed system is overdesigned, and the project is very close to the outfall area. If there were to be a 100-Year storm event it is advantageous to get this water in and out before the water comes from the upland watershed. From that perspective it can definitely handle the 100-Year storm and it will be treated, what can will be detained in the detention system and treated with the water quality system in place and the overflows are free to go out.

Atty. Rizio stated the amount of impervious surface and subsurface storage has been reduced in this application. The old drainage ditch had been abandoned and taken out of use by the state in 1993. The ditch had accommodated much of the water on RT. 111 which currently ties into catch basins on RT. 111 and out to the same location, but does not circulate through this property; representing basically the same application with a reconfiguration of the boxes. The next step in the process is P&Z. Atty. Rizio respectfully requested approval of this application, noting the proposed activity does not have a significant impact to the wetlands, is a minor modification to the previous application and is an improvement over what was previously approved.

Ms. Fox stated that the weather patterns have changed since the last approval on this application. Mr. Pereira added that the engineering report submitted represents a 20% reduction from the pre-existing conditions for the 2-10 & 25-Year storm events.

Mr. Pereira reviewed the existing Tennis Club area wetland, which is currently dry, explaining the wetland is dry due to the DOT adding added a new storm swale that runs on the east side of RT. 111 in 1993. The Tennis Club area does still flow but is being handled and is picked up in the bio-filters. The road near the Tennis Club that takes you to the condominiums has to date been built and includes a drainage system; the proposed plan is to pick up that drainage and run it through the original design. The pipe that ran under the old factory could not be found; its exact location is unknown noting that it is possible it has been crushed.

Atty. Rizio clarified that the application is still valid based on the approval of the 2007 modification approval. A letter had been sent to the Town Engineer requesting a 5-Year extension and it was his suggestion to come back once with this modification it would then, in affect, include an extension as well.

Mr. Pereira stated that the application which included the condominiums and the assisted living; was in the 50% range for the impervious surface area. This project is slightly higher of a percentage. Atty. Rizio explained the difference is due to the fact that the assisted living was going to be 3 stories high and did not require as much parking. This retail space requires much less parking than the Lowes proposal. Mr. Pereira stated that this proposal represents a 20% reduction of any storm event today noting that will positively impact the Pequonnock; there will be 20% less water entering the river. Attorney Rizio confirmed this proposal represents 30% less impervious surface than the Lowes plan.

Atty. Rizio stated that the proposal includes 3-4 one-story buildings, one of the buildings has a mezzanine and all will be built on slab. There is some rock in the rear of the property but does not anticipate much movement of material offsite. There will be cut and fill and will balance each other out. This proposal takes advantage of the condos' grade; there will be 20-30' difference in grade between the condos and the new development. The

DOT was pleased when the amount of curb cuts had been reduced from four (4) to two (2) curb-cuts. These are two separate entities; each entity will be responsible for maintaining the drainage and detention systems on their own properties. The systems do interconnect; the only shared items would be cross easements for parking. None of the buildings are in flood zones.

Mr. Pereira confirmed that the new proposal will be raised out of the area of where the flooding took place at the old plumbing factory location. The retaining wall will be 4', 7' & 9' high at different locations; it is lower than it had been previously proposed.

Atty. Rizio stated that this property had to be redeveloped due to economy changes.

Motion made (Fox) seconded (Lauria) to **RECEIVE** Application 05-16 (Modified Application) (Amendment effective 2007) (Sound Development Group, LLC).

All in favor. **VOTE: MOTION CARRIED UNANIMOUSLY.**

Application 11-06 (Modified Application) Quarry Road Lot 2, LLC - Permit approval to reconstruct parking Facilities for the Bow Tie Cinema Movie Theatre & approved medical professional building to accommodate thirty three (33) additional spaces, removal of invasive plant species, planting native plant species, construct a level spreader within a regulated upland area at 100 Quarry Road.

Atty. Raymond Rizio representing Quarry Road Lot 2, LLC indicated that this application represents a refinement of the parking layout of a shared space between United Technologies, Bow Tie Cinemas and the new medical office building. There had been a previous modification approved to add parking in the rear and a retaining wall. After Bow Tie looked at that plan it was determined that would not help their cause. Bow Ties asked them to look at the large bio-filter swales, which have caused issues with trash and security. The solution was to remove the vertical bio-filter swales and replace them with horizontal bio-filter swales and a new walkway. This will allow for better circulation and security.

David Bjorklund of Bjorklund Associates was present. Mr. Bjorklund indicated that they had created small islands that act as a bio-filter. The proposed bi-filter islands are comprised of 50-60% sand and the remainder is top soil and peat moss supporting better run off filtration. The pond will provide detention and water quality. They are still achieving water quality and detention goals as they reconfigure the parking lot. In addition to security issues, snow removal was not efficient due to the vertical bio-filters. The proposal includes large open parking areas and a pedestrian walkway, alongside the walkway there will be small landscaped islands. There are no changes to the limits of the parking lots, the outside curbing stays the same and the drainage will be routed to the same place. The application includes a spilling base and a level spreader at the discharge point, before it gets to the wetland. The wetland corridor is in good shape, it is a river wetland network, and would like to provide one last stop in case anything should get out of the pond it would get caught at that location; there is also a small planting plan detail. They will remove the invasive plants and replant with species that are more suitable. There is loosestrife and invasive berries that have started to show up in the pond and will be removed by a biologist. The previously approved parking lot will stay the same.

Mr. Bjorklund reviewed the existing bio-filters locations for Mr. Chamberlain explaining that they contribute to the security issues and will be removed but replaced at the end of each parking aisle.

Mr. Bjorklund stated that the new plan will provide for thirty three (33) additional parking spaces. Referring to the engineering report, with regard to the water removal and detentions aspects, the plan is achieving the goal of the Town's storm water management policy and the DEP's water quality. The ditch in the front is able to

handle all of the water brought to it and further explained that the first application approved last year modified the outlet structure to further enhance the storage capacity of that ditch, it has re-vegetated and is working nicely. They had considered changing it to a compartmentalized pond, but the biologist suggested not changing it due to the fact that it had re-vegetated itself. The soil combination used in the bio-filters is a much better soil combination than previously used, it allows for less square footage of a bio-filter but is more effective. There has always been shared parking with Sikorsky and there is no change to Sikorsky's parking lot there is still the access road between. It is not possible to plow across the access road.

Motion made (Fox) seconded (Defeo) to **RECEIVE** Application 11-06 (Modified application) (Quarry Road Lot 2, LLC) All in favor. **VOTE: MOTION CARRIED UNANIMOUSLY.**

Application 11-24 Sophia Nemergut - Permit approval to construct a single family residential home with associated site improvements in a regulated upland area at Baldwin Avenue.

Mr. Bjorklund engineer for the applicant was present. This lot had been filled with construction debris; the proposal is to develop the lot into a single family home, sewers have been installed on Baldwin Avenue. Zoning requires a 50' setback, in this case that would allow for virtually no back yard. Referring to alternate #1, they will approach the ZBA with regard to a possible 35' setback from Baldwin Avenue. If the 35' setback was approved the distance from the edge of the house to the wetlands would be 30'. The development will include a rain garden and an underground detention system. The lot is level. The 14' line does meet the criteria. This lot had been filled just as Twin Circle had been when they built RT. 8. Based on the alternate plan (on the east side), the closest point to the wetlands is 28' from the house and 16' from the deck. There is a natural buffer on the property based on the grades. There is silt fence before the disturbance and temporary sediment routing at the top of the bank. This application is very similar to the Twin Circle application previously approved; they had also went to ZBA to ask for a change in the setback after having gone to the Inland Wetlands & Watercourses Commission, which had a favorable outcome. There is an existing culvert indicated on the site-plan. There is one fence in the back which could act as a monument. The lot does have city water and sewers; there is a waterline on the property. The LOD (limit of disturbance) can be corrected if there was a site inspection of the property by the commission.

Motion made (Lauria) seconded (Fox) to **RECEIVE** Application 11-24 (Sophia Nemergut) All in favor. **VOTE: MOTION CARRIED UNANIMOUSLY.**

Application 11-25 Town of Trumbull - Permit approval for the paving in a regulated area at Stonehouse Road.

Stephen Savarese, Town Engineer, PE, LS was present representing the applicant. Mr. Savarese indicated that the Stonehouse paving project went from design, to bid, to paving starting on 09-12-11 during the months of July and August. The project is a road construction reclamation project of its entire length. The project was bid and awarded at \$1.4 million. It is an extensive project which will give the road a twenty (20) year design life; camera work of all of the storm and sanitary sewer lines has been done. There are two locations where work will be performed in existing culverts; nothing is being changed and is being replaced in-kind. The project includes replacing catch basins and pipes; the plan reads as, to remove existing masonry end wall and install a new concrete end wall. The end walls will be stamped with new dates, updating the infrastructure. The work will be done in September 2011, starting with the sanitary and the storm water first. The Town is planning the work to be completed in sixty (60) days. There are two pipes being replaced, one is out by the end walls and the other is a cross pipe.

Motion made (Lauria) seconded (Jorgensen) to **RECEIVE** Application 11-25 (Town of Trumbull) All in favor.
VOTE: MOTION CARRIED UNANIMOUSLY.

CLOSE NEW BUSINESS

Motion made (Fox) seconded (Lauria) to **CLOSE New Business at 8:47** p.m. No Discussion. All in favor.
VOTE: MOTION CARRIED UNANIMOUSLY.

IWWC AGENT REPORT:

Mr. Savarese explained that this is a new item added to the agenda. The commission does not meet in August therefore some of the residents have a need get to start a project before the end of the season. Agent approvals are granted with Chairman's knowledge; sometimes the Chairman is available for the site inspection. There were two (2) Agent approvals done since the regular meeting in July 2011, they are as follows:

Application 11-21: Daniel Mawicke and Susan DeGeorge. Permit approval to install an in-ground pool, retaining wall, walkway, fence, patio area and related landscaping, as submitted at 230 Putting Green Road.
APPROVED.

Mr. Savarese explained the residents were planning a wedding and were planning on having the ceremony poolside. The pool would be 60' to the watercourse at Putting Green Road

Application 11-20 James Rinaldi. Permit approval to replace pool destroyed by last winter's weather of identical pool at 12 Pam Bar Road. **APPROVED.**

Mr. Savarese explained that this application involved a pool that had been damaged due to last winter's snow load and this approval allowed them not to have to wait until the end of the season to replace it.

Mr. Savarese stated that full applications and details are available at his office.

WORK SESSION:

The Work Session began at 8:52 p.m.

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

Application 11-22:

Motion made (Fox) seconded (Lauria) to **APPROVE** Application 11-22 (John Bertanza of J.P. Maguire Assoc.) as submitted, subject to the General Conditions as established by the Commission. Discussion. All in favor. **VOTE: MOTION CARRIED 5-0-1 (Abstention: Chamberlain).**

Application 11-23:

Motion made (Lauria) seconded (Fox) to **APPROVE** Application 11-23 (Robert J. Kovac) as submitted, subject to the General Conditions as established by the Commission. No Discussion. All in favor.
VOTE: MOTION CARRIED UNANIMOUSLY.

Application 05-16:

Motion made (Lauria) seconded (Fox) to **APPROVE** Application 05-16 (Modified Application) (Amendment effective 2007) (Sound Development Group, LLC) as submitted, subject to the General Conditions as established by the Commission. No Discussion. All in favor.
VOTE: MOTION CARRIED UNANIMOUSLY.

Application 11-06 (Modified application):

Motion made (Chamberlain) seconded (Jorgensen) to **APPROVE** Application 11-06 (Modified application)(Quarry Road Lot 2, LLC), as submitted, subject to the General Conditions as established by the Commission and the following **specific condition**:

- **Level spreader to be modified subject to the approval of the Inland Wetlands & Watercourses Commission's Agent.**

VOTE: MOTION CARRIED 4-2 (AGAINST: Fox and Lauria).

Application 11-24:

By unanimous consent the Inland Wetlands & Watercourses Commission agreed to a **Site Inspection** on Application 11-24 (Sophia Nemergut).

Application 11-25:

Motion made (Fox) seconded (Lauria) to **APPROVE** Application 11-25 (Town of Trumbull) as submitted, subject to the General Conditions as established by the Commission. No Discussion. All in favor.

VOTE: MOTION CARRIED UNANIMOUSLY.

MINUTES:

Motion made (Lauria) seconded (Chamberlain) to accept the July 5, 2011 meeting minutes as submitted. No Discussion. **VOTE: MOTION CARRIED UNANIMOUSLY.**

SCHEDULED FIELD INSPECTION: By unanimous consent the Inland Wetlands & Watercourses Commission scheduled the Field inspection for Tuesday, September 27, 2011 leaving the Town Hall at 4:00 p.m.

CORRESPONDENCE. None

ANYTHING THAT MAY RIGHTFULLY COME BEFORE THE COMMISSION

Ms. Fox stated that she had received a phone call from a resident representing a group of people who live off of Tashua Road with regards to a lot that has wood across, foreign objects and glass throughout the streams. The resident has requested the commission to look into the matter. Mr. Chamberlain stated that he had viewed the property as discussed at the July 2011 meeting and did not see a blight condition. Ms. Fox stated that the property looks different after the leaves fall from the trees. The property has 4-5 streams that come down the hill; they are not heavily flowing streams. The Chair stated that the Blight Officer did not have an issue with the property.

There being no further business to discuss the Inland Wetland and Watercourses Commission adjourned at 9:31 p.m. by unanimous consent.

Submitted by,

Margaret Mastroni
Inland Wetlands & Watercourses Commission Clerk