

INLAND WETLANDS AND WATERCOURSES COMMISSION

Town of Trumbull

CONNECTICUT

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TOWN HALL
Trumbull

TELEPHONE
(203) 452-5005



MINUTES
FEBRUARY 5, 2019

CALL TO ORDER: The Chair called the meeting to order at 7:06 p.m.

PRESENT: Chairman Richard Girouard
Secretary Richard Deecken
Mark MacKeil
David Verespy
Vice-Chairman John Lauria
Carmine DeFeo
Laura Pulie, alternate

ABSENT:

ALSO

PRESENT: William Maurer, P.E., L.S. IWWC Agent, Tatiana Smotritskaya, P.E. Civil Engineer, Jim Nugent, Town Attorney

The following is a brief summary of the meeting. A complete record is on tape, on file, in the office of the Inland Wetland and Watercourses Commission located in the Trumbull Town Hall.

The Secretary read the following at 7:06 p.m.:

NOTICE IS HEREBY GIVEN THAT the Inland Wetlands and Watercourses Commission of the Town of Trumbull will hold a Public Hearing on Tuesday, February 5, 2019 at 7:00 p.m. at the Trumbull Town Hall 5866 Main Street, Trumbull, CT on the following application(s):

Application 19-02 Moorefield Farms Development, LLC-Permit approval for (14) age restricted housing units and a private road within a regulated area at 2157 Huntington Turnpike.

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 9th day of January 2019.

Richard H. Girouard, Sr., Chairman

Inland Wetlands and Watercourses Commission of the Town of Trumbull

OLD BUSINESS OPENED at 7:08 p.m.

Application 19-01

David Preusch

Permit approval for in ground pool, terrace, retaining wall & grading within a regulated area at 11 Old Dairy Road

MOTION (Deecken) Seconded (MacKeil) to APPROVE

MOTION (Deecken) to AMEND the motion to include the following conditions:

IWWC General Conditions Section I 1.1 through 1.8

IWWC Site Specific Conditions Section II 2.1, 2.2, 2.7, 2.13 and IWWC Section III Additional Condition:

3.1 Alternating 5 foot on the center native shrubs from the stone wall on the southern boundary extending 100 feet to where it turns the corner.

VOTE to APPROVE as amended CARRIED unanimously.

OLD BUSINESS CLOSED at 7:21 p.m.

ANYTHING THAT MIGHT RIGHTFULLY COME BEFORE THE COMMISSION OPENED at 7:22 p.m.

Application 19-04 Scott Petitti-Permit approval for in ground pool within a regulated area at 130 Horse Tavern Road. Scott Petitti said he is requesting to put in a pool. The Commission asked for a grading plan and about the size of the patio. Mr. Petitti said he plans on keeping it at 400 square feet and if he was to change it he would come with another plan and the proper drainage for the patio. The Commission stated that the pool equipment pad is inside the 100 feet regulated area and asked the resident to look into possibly moving it outside of that area perhaps further to the north or closer to the house. It was also requested that all site improvements be shown on the plan including the pool fencing. The ground water will need to be treated. They requested the construction access be labeled on the plan. If the Commission decided to walk the property they would like the pool and patio locations to be staked out and also where the equipment pad will be. The Commission asked what the plan is for the excavated material. Mr. Petitti said he would probably need it for fill because the property does drop off so he will need it to fill behind the pool and any excess would be removed from the property. The Commission asked that this be reflected in the grading plan.

ANYTHING THAT MIGHT RIGHTFULLY COME BEFORE THE COMMISSION CLOSED at 7:34 p.m.

PUBLIC HEARING at 7:34 p.m.

Application 19-02

Moorefield Farms
Development, LLC

Permit approval for (14) age restricted housing units and a private road within a regulated area at 2157 Huntington Turnpike.

Pat Sullivan – Cohen & Wolf representing the LLC. She said they have received feedback from the Commission last month and they will address them.

Allen Shepard P.E. addressed the Commission in regards to the new plans and the feedback from last month. They have added 4 cultex units per dwelling and located them closer to the buildings. They added 2 raingardens in the front. They've added an oil separator off the cul-de-sac, dwelling numbers were put on the plans, added note to plans, to make it a little greener they've added the patios that have river stone underneath, the patios will be pervious pavers and detail has been added to the detail sheet. On soil erosion control plan they've added more notes about additional topsoil pile. For part of this they would use the topsoil for the berm on the low side where it overflows which will be an effective way to use the topsoil. They have added some more erosion controls – double the silt fence and hay bales. On Page 6 they have located trees on the site as

requested by the Commission. The trees on the high side of the stone wall in the back are leaning and some are in poor shape so they don't see a desire to keep those. There are 2 sizable tulips that they want to try to save so the detention pond was changed around those. There are a couple in the detention pond that are maples which they would like to try to save. Trees along the outside they will save on the north on the south side some will be saved. They may have to take down some of the spruce trees. In the front they will replant. They moved the detention area around to save some of the trees around the wetlands and also along the stream corridor. A utility plan has been added. The closest house is 67 feet from the wetlands. The Commission asked if there was any alternative plan. Pat Sullivan said their position is that they came in with a reasonable plan, often times people come in with a plan that's an over use of the property and will come back and say they will take a few units out. This plan for the property is a reasonable plan and in terms of an alternate plan there needs to be a significant impact on the wetlands and then they would come in with a reasonable plan. This is their position. The Commission stated that constructing 3 houses beyond the regulated area is creating an impact on the wetlands. The Chair requested that Commissioner Verespy read his site walk notes that were sent via email to Tatiana S. and Richard G. on 02.04.2019. He elaborated on some of the following as well:

This was a very difficult site walk in that no representatives of the application were onsite to explain the project. House numbers were not labeled on the plan and flags were not labeled, so deciphering the layout and information in the field was at best a guess. Another site walk will be required to make sense out of the information.

- I have specific concerns about the wetlands flagging and feel it has missed portions of the wetlands. The wetlands should be reflagged
- Trees to be removed have not been marked
- Road centerline has not been marked
- Significant drainage structures have not been marked
- The areas adjacent to the wetland are prime habitat for amphibians and other small animals. An environmental report should be prepared which does a full wildlife evaluation to determine if any threatened or endangered species are present
- There is an area of standing water in the northwest corner of the property which , could be a vernal pool
- There is significant amount of debris on the property which needs to be addressed
- The area had a strong oil and gasoline smell and the property's the past agricultural use, is evidence of possible soil contamination by hydrocarbons or agricultural chemicals. A phase 2 environmental study should be completed to determine the extent of any contamination on the site.

The Commission stated that another walk will be necessary. Mr. Shepard apologized for not being at the first walk and said he would attend the next one. He said some of the comments will now be addressed by Mr. McManus.

James McManus, Certified Professional Soil Scientist addressed the Commission. He said he would attend the next site visit. He said he doesn't see any significant issue with the change of the wetland system. In the southern finger it is more transitional; meaning it's less wet than in the northern portion which is where you will find poorly and very poorly drained soils and the intermittent watercourse and seasonally saturated flooded swamp moves to the north and hits the perennial watercourse that's the wetter side. The Commission asked about the vernal pool. Mr. McManus said the water there is too shallow to be a vernal pool. The Commission stated it should still be investigated. They also questioned the flagging that was on the site. Mr. McManus said his flagging is pink and blue with his initials and a number. The Commission said the flags are there however they did not see any numbers listed so they were unable to identify which flag was which. Mr. McManus said they are not very old and the numbers should still be on them. They will remark them. They will also check into the yellow flagging located on the site as well.

The Commission questioned the planting plan and that the landscape detention base has no access to it after construction to maintain it. The applicant said they will make sure there is a permanent access to it and the plan will be altered to show that. The Commission asked about the location of the houses and the footing drains. Mr. Grasso said that during their original preparation and planning for this is they wanted to make sure that when they designed the plan and the reason they don't have an alternative plan is they looked back through multiple applications that were approved and they wanted to make sure they stayed further away from wetlands than other applications that were approved and he believes they have done that. The wall acts as a great delineation wall behind the houses there is very little grading basically at grade. Mr. Shepard said in regards to the footing drains he forgot to put them on the plan and he will do so.

The Chair opened the meeting to public comments.

Attorney Marjory Shansky on behalf of Mr. & Mrs. Carl Fusco of 27 Mischa Hill Road. She said she provided a letter to the Commission that catalogs her concerns. Her comments are directed to the incompleteness of the application. She is interested in the notion that it is a reasonable scale of development when it exists at a density that is not currently recognized in the Trumbull zoning regulations. There is the text amendment with zoning to increase the density and reduce the separating distance between structures in this kind of housing development but no action has been taken yet. The idea of developing or designing to this level of density and being a significant impact activity requires that there be a feasible alternative. Without conceding that this would solve their problem designing at the existing zoning density would be a feasible and prudent alternative limiting the number of houses that are currently in the regulated upland and give much more room for the storm drainage and eliminate the adverse impacts that are described in Mr. Trinkaus letter. The notion that the location of the foundation is a product of their review of other applications seems to be putting the cart before the horse. The appropriate way, in her view, of establishing where regulated activity or structures occur is by looking at the layout not looking to see what the Commission would be tolerant of. Attorney Shansky asked the Commission to review her letter.

Steven Trinkaus, P.E. addressed the Commission. In this particular case the only way you can reduce runoff volume is by infiltration and the Town of Trumbull storm water regulations are very progressive but the current plan does not provide answers. Based on the detail in that upland area where most of that development is concentrated there are some test pits done by the applicant that have mottling at 44 inches so there is an 8 inch separation between the theoretical bottom of a cultex and ground water. There is no infiltration test down at that depth. The applicant didn't do perk tests which he would assume were done at the ground surface. A typical perk test that they do for the health code is 18 inches or so and he says that perk test has no bearing as to infiltrated capacity when hour 3 feet below grade. They aren't even close. Infiltration testing needs to be done at the bottom of the systems because that's receiving soil and water. There are no overflow provisions on the plans. Where will the water go? For the detention basin the original plan had a level bottom detention basin now the applicant is building a berm but the existing ground coming into the berm is staying on a slope so the water will start ponding right at the base of the berm and fill up. The idea that you are going to get infiltration in the level spreaders has not been proven. You need soil data. Without soils you have no idea whether any of these infiltration practices will work. The proposal submitted by the applicant does not address runoff volume so you will have significant runoff volumes being discharged from the site which will change the channel downstream and you will also have an adverse impact by changing the chemistry of the water in the receiving stream. Those are both 2 distinct provable adverse impacts to the wetland and watercourses which will result from this development. A lot of his comments are similar to those of the Engineering Dept. In response to the applicants comments about the footing drains from the upper houses being attached to the drain unless some of these basins are quite deep you can't get the footing drains to them so the question is if you can't get them to the

catch basin where is the water going to go? The footing water is separate and should not go to storm water detention. It needs to go somewhere else. As proposed he said this project will cause adverse impacts to the wetlands and watercourses. In addition to the trees that are clearly are being removed they also need to evaluate trees that are outside the construction limit that have crowns extending within the construction limit. The root system of a tree mirrors the crown so if you have a 30 inch oak tree and the crown is 60 foot wide the roots are out to 60 foot wide so even if you're not 20 feet away from the tree you're going to be impacting those roots. — Some trees can tolerate a small degree of disturbance others cannot. In regards to the 2 raingardens out front he did not see impervious coverage directed to them. They are in the middle of the lawn and are also about 5 feet deep. When you have indications modeling 44 inches so the bottom of that is going to be below seasonal high ground water table. There will not be infiltration there and it will basically breed mosquitoes because it will not drain.

Kim Schneider – 111 Sturbridge Lane - She thinks it's very important that we don't ever look back on what was done in the past and always look forward. There is so much more information on the environment that what we did yesterday we probably shouldn't do ever again. Her agenda is to protect her town. She doesn't live near this project but heard about it and is speaking as a resident.

Linda Pepin – 175 Highview Drive, Stratford co-owner of 2160 Huntington Turnpike – They have always had a water issue. In 2017 they had a curtain drain put in. There is a brook next to her house which runs down to Pinewood Lake which is further from the Moore property but all that water sinks down to where that brook connects and it always gets flooded on the road there. She is concerned with the amount of the project. The whole property that goes down in the back is always wet. She is concerned about the road that they are going to build.

Elene More – 400 Booth Hill Road – She lives double downstream from the property because there are 2 brooks. They intersect and then go through her property as 1 brook. She brought pictures of the brook showing what happens when it rains a lot. She said it went from a 3 foot peaceful to a 30 foot raging river in a matter of an hour of raining and it happens quite often now. She doesn't think this is a reasonable plan for this property.

Bob Lally – 2137 Huntington Turnpike – Every time it rains there is significant flooding. The area is under a lot of stress right now and additional units like this would with antiquated density will be bad for the area. The brook roars and it comes up really high. There are concerns about excavation on this property. It sounds like there hasn't been a lot of soil testing done but they have a lot of ledge. It's going to be devastating for this land to have that level of development. It's so aggressive and doesn't make any sense. He submitted pictures.

Ken Martin – 1676 Huntington Turnpike – Real Estate Representative for Mrs. Moore-He spoke at the P&Z meeting as well. For the record he thinks it's rather rich that Mrs. More came up and complained about the drainage on her property when she obviously has violations on her property with what she's done there. It's self-induced. She has an illegal farm, she clear cuts and much of the mess created on Mischa Hill Road is her negligence pertaining to her property. Also it should be noted that Mrs. More was one of the interested parties of the property and Mrs. Moore decided to sell the property to Mr. Grasso. So he thinks there may be some issues with regard who is the contractor of the property right now because clearly Mrs. More has had very strong interest in the property and he will say if you decide to walk 2157 Huntington Turnpike he would encourage the Commission to also evaluate 400 Booth Hill Road and he thinks it has created a major hazard on Mischa Hill Road.

Mark Pelley – 2136 Huntington Turnpike – His basic objection is that it represents an extreme development plan. It is not only environmentally sensitive but also has severe drainage problems. Since living there they

have experience many flooding issues which have only gotten worse in the past 5 years. His neighbor has a drainage swale that runs into a culvert passing under Huntington Turnpike. The runoff that passes through this culvert then flows west alongside Moorefield Farm property. During heavy precipitation events much of his neighbor's driveway which runs parallel to the swale is under standing water. The same swale now stands to be adversely impacted by the development. He says the Moorefield Farm property is not the right site for an extreme development plan like this project. Pictures were submitted

Mary Pelley – 2136 Huntington Turnpike – The dates of the pictures submitted were approx. end of 2018/2019.

Jill Seres – 2217 Huntington Turnpike – There has been a lot of flooding on Huntington Turnpike. She submitted pictures from the flooding on Sept 25, 2018. After seeing what has happened next to her with 2 houses being built on 2 acres she has concerns. She is hopeful that the lessons that they saw from the property next to her from where a spring – they obviously hit a spring now draining into the brook would be very much cause for a very hard look at the Moorefield property.

Brian O'Connor – 17 Woodhill Road – He is not here representing the Pinewood Lake Association. His biggest concern would be water runoff from the site and the density of the homes that are being placed there.

Jack Berkowitz – 37 Dogwood Lane – He also has a high water table. It was wetlands and he sees when there is precipitation he sees the effects of having a high water table and how that impacts the land and wildlife. He knows the density of these houses is going to contribute to more drainage problems and environmental problems with fertilizers. Pinewood Lake is close by and chemicals like that are going to have an adverse impact and an environment impact. He hopes this project will be scaled back.

Larry Barkman – 2177 Huntington Turnpike – He has noticed an increase in water. Over the past year his basement has started flooding. He didn't get that before. Last year an apple tree by the stream that was a great tree all of a sudden on a nice day it keeled over. It was wet. Roots uplifted and fell over. It is just getting wetter and wetter. The amount of water over the past 5 years has gotten worst.

Laurie Panut – 2140 Huntington Turnpike – She is at the dip of Huntington Road. Within the last 5-6 years the flooding has gotten worse.

Keith Klan – 16 Copper Kettle – He is one of 4 District 2 town council reps. He has met multiple times with the neighbors, the developers, the realtors and want to make a brief statement on his view of things that brought up all those meetings. He is opposed to this development. From an environmental perspective in his opinion the impact to the wetlands on the property and the abutting wetlands, the grading and the amount of work and the flooding that already happens there is unknown and impossible to predict. Not only does the application ignore the issue of environmental quality but their answer - there is no direct impact to wetlands and storm water management in the regulated area – defies belief. They haven't identified all the trees or foliage that will be impacted by the amount of grading and land removal required. From his talk with developers their intention is to make it look exactly like Hawks Ridge in Shelton which is clear cut with new plantings and decorative plantings. He asks that this application be tabled before the text amendments have been approved or declined because this whole thing depends on that. This proposal isn't even possible without those approvals. He asks the developers to abandon these plans and work with the neighbors to come up with something a little more suited to the current use of the property and in line with Trumbull plan of conservation and zoning regulations.

Mary Ellen Lemay – Chair of Conservation Commission however wants to make it clear that she is not speaking for the Commission tonight. She lives at 50 Turkey Meadow Road and is speaking her opinion only. Her full statement is available in the IWWC office at Trumbull Town Hall.

Elene More – 400 Booth Hill Road – she feels she was unfairly attacked by Mr. Martin. She inherited the farm and it has been a farm since 1940.

Pat Sullivan requested a continuance.

The Commission requested that the plantings be identified. Also trees shown on the left side of the property by the stone wall that planting buffers should be increased to create a more robust buffer. The Commission would benefit from seeing an alternative that is met to the current density regulations and brought the houses out of the 100 foot setback. It hasn't been proven the soils can support the density that this property is proposing.

The Commission stated for the record that houses 6, 7 and 8 are within the setback and not to forget that house 14 also is in the setback.

Application 19-02	Moorefield Farms Development, LLC	Permit approval for (14) age restricted housing units and a private road within a regulated area at 2157 Huntington Turnpike.
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MOTION to CONTINUE to March Meeting (MacKeil) seconded (Deecken). VOTE to CONTINUE CARRIED unanimously.

MINUTES

By unanimous consent the Commission VOTED to ACCEPT the January 8, 2019 meeting minutes as submitted.

SCHEDULE FIELD INSPECTION – February 20, 2019 leaving Town Hall at 3:00 p.m.

Application 15-06	Richard Hansen	2207 & 2213 Huntington Turnpike
Application 19-02	Moorefield Farms Dev.	2157 Huntington Turnpike
Application 19-04	Scott Petitti	130 Horse Tavern Road

The Commission discussed soil erosion & wetlands bonds as well as site monitors for certain IWWC applications.

MOTION (Deecken) SECONDED (DeFeo) to APPROVE Tatiana Smotritskaya as IWWC Co-Agent. VOTE TO APPROVE CARRIED unanimously.

By unanimous consent the Inland Wetlands Watercourses Commission adjourned at 10:12 p.m.

Respectfully Submitted,

Colleen Lombardo
Clerk