

INLAND WETLANDS AND WATERCOURSES COMMISSION

Town of Trumbull

CONNECTICUT

www.trumbull-ct.gov

TOWN HALL  
Trumbull

TELEPHONE  
(203) 452-5005



MINUTES

OCTOBER 4, 2022

REVISED

(ADDITIONAL BACKUP PAGES ADDED)

CALL TO ORDER: The Chair called the videoconference meeting to order at 7:08 p.m.

PRESENT: Chairman Richard Girouard  
Secretary Carmine DeFeo (late)  
Robert Ferrigno  
Vice-Chairman John Lauria  
Gregory Csernica  
Tony Silber

ABSENT: David Verespy

ALSO

PRESENT: Tatiana Solovey, Assistant Town Engineer; Jim Bova, Civil Engineer; John Mayer, Civil Engineer,  
Town Attorney James Cordone

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For the record Attorney Cordone provided an overview for hosting IWWC meeting via zoom teleconferencing and the procedures to be followed.

Commissioner Silber read the public hearing notice into record.

NEW BUSINESS OPENED at 7:12 pm

Application 22-29 Greg Kozera

Permit approval for construction of an industrial warehouse facility with parking and outdoor storage area. Site grading, driveway, detention basin and plantings within a regulated area at 207 Spring Hill Road.

Luke Mauro, Solli Engineering spoke on behalf of the applicant. The site is about 5 acres with under 1 acre being in Trumbull. No buildings will be on the Trumbull side. There will be about 1/10 of an acre of upland review impact in Trumbull. Grading will mimic existing conditions. Drainage will go into catch basins. Soil erosion and sedimentation control will be along roadway and at construction entrance. Also silt fencing and inlet protections. No shrubs or trees proposed along driveway. It will be a seed mix to re-stabilize. Monroe has not approved yet. It will be heard in November. No tree removal; only brush. The Commission requested that the center line be staked.

NEW BUSINESS CLOSED at 7:26 pm

OLD BUSINESS/PUBLIC HEARING OPENED at 7:27 pm

Ray Rizio, Russo & Rizio LLC requested the following documents be submitted into the record:  
State Statute Sec 22a-40 Permitted operations and uses. Section 2(a) and 2(b)

Letter from Director of Planning & Development dated 10/19/2022 confirmation of buildable lot  
Tax record

Letter from Zoning Board of Appeals dated 11/4/2011 Application 11-43 re: variance approval

Ray Rizio on behalf of the applicant requested a continuance and agreed to time extension for Application 22-15 and 22-16.

Application 22-15 David Arendt-Permit approval for construction of a single family dwelling with appurtenances within a regulated area at Lot 4 West Mischa Road

David Bjorklund, J Edwards & Associates provided an overview of the project. The lot was created in 1959 before wetlands were inacted. A driveway and culvert will need to be constructed in order to build the home and is unavoidable. Wetlands cannot be avoided. Due to the gasline easement on the property no excavating can be done in that area and is unusable for development of lot. Proposed is a driveway, home, stormwater detention and water quality detention. They are trying to preserve as much wetlands as possible. Walls will be on the west & south side for demarcation of wetlands and erosion control will be installed. The house is typical size for that area with little lawn around the house.

William Kenney, William Kenney Associates said he assisted in assessing conditions and project design. In his opinion, the design before the Commission is the most feasible with no alternatives. Existing conditions are 2 types of wetlands sloping and level. They are moderate quality wetlands. The proposed pipe that replaces channel is for water conveyance. Mitigation is shown on buffer habitat enhancement plan. It is his opinion the flagging by Eric Davidson is correct.

Ray Rizio said a conservation easement; excluding area around gasline easement could be granted if necessary for wooded area to provide buffer and continue in natural state.

The IWWC Agent provided her comments on this application. Due to discrepancies in flagging a decision will need to be made to accept 3<sup>rd</sup> party flagging or obtain a 4<sup>th</sup> party for flagging. Possible Army Corps approval will be required. How will the pipe under deck be accessed? Responses to the 3<sup>rd</sup> party environmental report have not been received.

Andrew White, Tighe & Bond addressed the responses from the applicant on the 3<sup>rd</sup> party review and stated most were addressed with a few additional comments needing more clarification.

Raina Volovski, Tighe & Bond discussed the wetland flagging discrepancies and is waiting for responses from the applicant.

Public Comment Opened at 9:00 am

Mary Ellen LeMay, Conservation Chair spoke to the August 30<sup>th</sup> letter submitted from the Conservation Commission. Filling the wetlands is indefensible as well as the piping. There is no 3/1 mitigation plan. This plan will create significant water problems. Changes will impede a waterway. It is their opinion that the application should be denied. She spoke to the letter from the Southwest Conservation District and the concerns of wetland habitat loss and no restoration or mitigation plan. Proposal should be denied.

Janet Epstein & Richard Ruby, 76 Old Dike Road: Is concerned about the greater good and current environmental practices. It is troubling in regards to the risks to Pinewood Lake; the loss of habitat and wildlife and goes beyond anything remembered by her. They respectfully ask the Commissioners to ensure the public trust with their decision.

Louise Perkins, 58 Old Dike Road: Worries about setting a precedence and the negative effects on Pinewood Lake with silt, water runoff and pesticides and fertilizers and more dredging & weed control by Pinewood Lake.

Robert Telep, 373 Booth Hill Road: He witnesses the wildlife and wetlands. Has concerns about runoff in the lake. He believes these are not building lots and strongly opposes the application.

Jeff Shake, 375 Booth Hill Road: His property backs up to the lots and was told they weren't buildable. Bigger impact than needed and unnecessary. He opposes the plan.

Application 22-16 David Arendt-Permit approval for construction of a single family dwelling with appurtenances within a regulated area at Lot 5 West Mischa Road.

Attorney Rizio requested that all earlier comments and submitted materials be included in the record for Application 22-16 as well.

David Bjorklund, J Edwards & Associates provided an overview of the proposed plan for this application. It is similar to Lot 4. There is no direct wetland impacts. The lot has a setback waiver to 25 feet to have the house closer to the road. A stormwater system will be installed meeting all local and state requirements. The edges of the wetlands will be protected with a split rail fence and retaining wall and will serve as a demarcation mark. Little lawn area to the edge of the wetlands.

William Kenney, William Kenney Associates said it is his opinion that the design proposed is a feasible improvement. The grove of bamboo from neighbors will be monitored. He is in agreement with the flagging done by the 3<sup>rd</sup> party with the exception of 1 location.

The IWWC Agent provided her comments on this application. The LOD limits aren't shown on page #2.02. Sheet #1.1 not clear about tree removal. Due to discrepancies in flagging a decision will need to be made to accept 3<sup>rd</sup> party flagging or obtain a 4<sup>th</sup> party for flagging. Responses to the 3<sup>rd</sup> party environmental report has not received any responses yet.

Andrew White, Tighe & Bond addressed the responses from the applicant on the 3<sup>rd</sup> party review and stated most were addressed with a few additional comments needing more clarification.

Raina Volovski, Tighe & Bond discussed the wetland flagging discrepancies and is waiting for responses from the applicant. Removing trees invites invasives. Extend observation of invasives further down and closer to wetlands. Not enough buffer in upland area.

#### Public Comment

Mary Ellen LeMay, Conservation Commission Chair, requested comments made from Application 22-15 be submitted for Application 22-16. Some additional comments specific to this application were: split rail fence is less than 5 feet from wetland edge. The entire application is in regulated area. LID methods should be used to reduce impervious area. No tree inventory provided or planting replacement plan.

Robert Telep, 373 Booth Hill Road: his comments from Application 22-15 should be applied to this one also. And asked about a study of turtle migration.

Louise Perkins, 58 Old Dike Road: comments from Application 22-15 should be applied to this one and she is concerned about stormwater runoff from the fill of upland review w/driveway.

Janet Epstein & Richard Ruby, 76 Old Dike Road: comments from Application 22-15 should be applied to this one. Concerned about impact on Pinewood Lake.

MOTION (Csernica) SECONDED (Ferrigno) to CONTINUE PUBLIC HEARING to the November 1, 2022 meeting as requested by the applicant's representative.

VOTE to CONTINUE PUBLIC HEARING to November 1, 2022 meeting CARRIED unanimously.

OLD BUSINESS CLOSED at 10:11 pm

#### MINUTES

To be approved at the November 1, 2022 meeting

SCHEDULE FIELD INSPECTION(S) Monday, October 17, 2022 leaving at 3:00 pm

Application 22-29

Greg Kozera

207 Spring Hill Road

The IWWC Agent asked the Commission if they would like to request a wildlife study as discussed earlier. A third party study was requested by the Commission. \_\_\_\_\_

By unanimous consent the Inland Wetlands and Watercourses Commission adjourned at 10:14 pm.

Respectfully Submitted,

*Colleen Lombardo*

Colleen Lombardo, Clerk