

INLAND WETLANDS AND WATERCOURSES COMMISSION

Town of Trumbull

CONNECTICUT

www.trumbull-ct.gov

TOWN HALL  
Trumbull

TELEPHONE  
(203) 452-5005



MINUTES  
NOVEMBER 1, 2022  
REVISED

CALL TO ORDER: The Chair called the videoconference meeting to order at 7:01 p.m.

PRESENT: Chairman Richard Girouard Vice-Chairman John Lauria  
Secretary Carmine DeFeo Gregory Csernica  
Robert Ferrigno Tony Silber  
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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The following is a summary of the meeting. A complete record is on file in the office of the Inland Wetland and Watercourses Commission located at 366 Church Hill Road. The meeting is also available for viewing on Trumbull Community TV.

Commissioner Verespy stated for the record that he has watched the video from the October 4, 2022 meeting allowing him to participate in the motions and/or votes for old/public hearing business.

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

**NEW BUSINESS OPENED at 7:04 pm**

Application 22-31 7182 Main Street

Permit approval for construction of mixed use building and associated site improvements, excavation and grading within a regulated area at 7182 Main Street.

Jason Edwards, J Edwards & Associates LLC, representing the applicant provided the Commission an overview of the proposed project. The building that was previously there has been demolished. The work approved by the prior IWWC fill permit received from the Commission in December 2019 has been completed. The now proposed work is in the upland review area. The footprint is a 27,000 square foot building. The lower level will be for commercial use with apartments above. There will be a series of catch basins and underground stormwater drainage system. A sediment erosion plan was provided with construction sequences, landscaping and lighting plans. The IWWC Agent asked about access to the detention basin on southeast side for maintenance. The applicant is aware and an access path will be added.

**NEW BUSINESS CLOSED at 7:14 pm**

OLD BUSINESS OPENED at 7:15 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.

MOTION (Verespy) SECONDED (DeFeo) to APPROVE with the following conditions:  
IWWC General Conditions Section I 1.1 through 1.10 and Section III Additional Conditions  
3.1 Clean up garbage along proposed driveway.  
VOTE to APPROVE CARRIED unanimously

OLD BUSINESS CLOSED at 7:22 pm

PUBLIC HEARING OPENED at 7:22 pm

Secretary DeFeo read public hearing notice into record

**TRUMBULL INLAND WETLANDS AND WATERCOURSES COMMISSION  
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, November 1, 2022 at 7:00 p.m. via videoconference:

<https://us06web.zoom.us/j/83780376833?pwd=Zmd6bHNYdUtuTXFTSE5DYVkzWmJzQT09>

Webinar ID: 837 8037 6833

Password: 756990

Join by telephone: (312) 626-6799 or (888) 475-4499 (Toll Free) / Webinar ID: 837 8037 6833

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

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.

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

Public comment can be sent via email to [clombardo@trumbull-ct.gov](mailto:clombardo@trumbull-ct.gov) (must be received 24 hours in advance of the meeting) or public comment can be made via phone or videoconference connection at the public hearing.

Dated at Trumbull, Connecticut this 10th day of October 2022

Richard H. Girouard, Sr., Chairman

Inland Wetlands and Watercourses Commission of the Town of Trumbull

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.

Representatives present for the applicant were David Bjorklund (PE) of J Edwards & Associates LLC, William Kenny (Landscape Architect, Soil Scientist) of William Kenny Associates and Chris Russo (Attorney) of Russo & Rizio LLC. The representatives provided response comments to questions brought up by 3<sup>rd</sup> parties either verbally at the last meeting or by review letters.

The IWWC Agent provided the following comments: wildlife investigation not completed; wetland & buffer plan are all in the wetlands; concerned about increase in impervious surface; abutting the wetlands limits of disturbance does not provide area for equipment; concerned future encroachment will likely occur; and asked if identified invasive bamboo species grows in the wetlands.

Raina Volovski of Tighe & Bond. Will accept the Davidson delineation in both locations of discrepancy. A permit from Army Corp of Engineers will be required. Concerned about possible future encroachment.  
Chris Sullivan of Southwest Conservation District. Concerned about lack of buffer. Poor infiltration in area where drainage is proposed. No test holes or perc tests were done in the back.  
Mary Ellen LeMay Chair of Conservation Commission. Need to see tree inventory. Few exceptions for permits within 100 foot setback. Approval of application sets dangerous precedent. Encourages denial.  
Vice Chair Lauria asked the applicants representatives 5 questions relating to impacts of proposed project. Mr. Kenny responded.

The Commissioners expressed their concerns and asked many questions.

How many actual acres will be impacted. Reference was made to the Pequonnock River Study and Public Act 21-29 re: watersheds into the Long Island sound. What about LID developments. IWWC has never approved a house located so close to wetlands. Grading goes right into wetlands. What about wildlife study. Tree removal.

Public Comment

Janet Epstein, Richard Ruby 76 Old Dike Road expressed concerns about tree removal and animals to be disturbed. Consequences of not adhering to caretaking.

The Commissioners spoke about the following concerns: monitoring is just looking no action with removing bamboo. Maintenance of structures and piping. Infrastructure being cleaned each year. Add mid level canopy. Attorney Russo said he has heard all the comments. There is no feasible prudent alternative. He said they have done everything. The letter states "confirmation of building lot" on top. They are here to get wetlands approval. They are agreeable to add conditions for approval. They obtained a variance to minimize the impact.

Commissioner Silber made the following comments:

-Section 4.1 "as of right" requires a building lot to have been established before 1974, and that the building permit be issued prior to July 1, 1987

-he read into record Section 1.1 of IWWC Regs that describes what the commissions' role is and quoted from IWWC Regs Section 10.2 decision criteria specifically section A; section C; section D; section F

He stated that this application is incompatible with our regulations and if there was ever an application to come before this Commission that is not compatible with our regulations and requires us to turn it down, this is it.

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

Representatives present for the applicant were David Bjorklund (PE) of J Edwards & Associates LLC, William Kenny (Landscape Architect, Soil Scientist) of William Kenny Associates and Chris Russo (Attorney) of Russo & Rizio LLC. The representatives provided response comments to questions brought up by 3<sup>rd</sup> parties either verbally at the last meeting or by review letters.

The IWWC Agent concerns mentioned for Lot 5 apply to Lot 4 including limits of disturbance are on top of grading line. No fencing will stop it. Limited outdoor space causing concerns for encroachment in future.

Chris Sullivan of Southwest Conservation District. Concerns of direct impacts of loss of wetlands causing destruction to habitat. Loss caused by piping is significant. Swale recharge alternate plan is incomplete. Deny application.

Raina Volovski of Tighe & Bond. Many hillside seeps. Concerned about hydrology impacted due to piping. No buffer outside of wetlands. Diminishing wetlands. Lack of upland buffer.

The Commission asked about maintenance of piping, wetlands mitigation for whats being filled, change where its being discharged, will it handle 100 year storm, alternate solution to the swale.

Public Comment

Janet Epstein, Richard Ruby, 76 Old Dike Road. Previous comments apply 3-fold.

Louise Perkins, 58 Old Dike Road. Set precedent if approved. Will have serious impact into lake and Long Island sound. Ongoing maintenance?

Mr. Russo stated this is a buildable lot that was created in subdivision and is taxed as such. Presented most prudent and feasible plan. Minimizing direct impact to the wetlands. Will agree to modification of pipe and raingarden and create wetlands as mitigation offsite.

Mr. Kenny provided sketch of additional 5 foot wide native buffer plantings.

Attorney Cordone responded to Attorney Russo comments relating to “buildable lots” referencing regulations 22A-40 A2 and that a building permit was required to be issued prior to 1978. No as of right exemptions. \_\_\_\_\_

Attorney Chris Russo agreed to grant extension of time to render decision at December meeting.

MOTION (Lauria) SECONDED (Verespy) to CLOSE PUBLIC HEARING for Application 22-15 & 22-16

VOTE TO CLOSE PUBLIC HEARING CARRIED unanimously

PUBLIC HEARINGS CLOSED at 10:08 pm

#### MINUTES

By unanimous consent the Commission VOTED to ACCEPT the meeting minutes of September 6, 2022 and October 4, 2022

SCHEDULE FIELD INSPECTION(S)- November 14, 2022 at 3:00 pm

Application 22-31

7182 Main Street LLC

7182 Main Street

By unanimous consent the Inland Wetlands and Watercourses Commission adjourned at 10:13 pm.

Respectfully Submitted,

*Colleen Lombardo*

Colleen Lombardo, Clerk