

**DERBY INLAND WETLANDS AGENCY
DERBY, CONNECTICUT 06418**

**Frederick J. Columbo, Jr. Chairman
68 Seymour Avenue
Derby, Connecticut 06418**

**Philip Marcucio
Paul Dinice, Jr.
Paul Padilla
David Barboza II
David Rogers
Roger Birtwell**

February 28, 2007
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, February 28, 2007 at Aldermanic Chambers, New City Hall, 1 Elizabeth Street, Derby. This meeting was called to order at 7:00 p.m. by Chairman Fred Columbo.

By roll call members present were Chairman Fred Columbo, Paul Padilla, David Rogers, Paul Dinice, David Barboza and Roger Birtwell. Michael Joyce from Milone & MacBroom was also present.

Additions, Deletions, Corrections to the Agenda:

A motion to add John Pituzzello applicant for Susan Martino, 27 Grandview Boulevard as Item 9c was made by Mr. Padilla, seconded by Mr. Birtwell and carried unanimously.

Public Portion:

There was no one from the public wishing to speak.

Acceptance of Minutes

Mr. Padilla moved that the minutes of the January 10, 2007 meeting be accepted. The motion was seconded by Mr. Birtwell and carried unanimously.

7. William Zaleha - Applicant. APPLICATION #07011001 - Seeking permission to conduct a "Regulated Activity" proposing to construct an addition to an existing house at 16 Homestead Avenue, Lot #88, Tax M ap #5-4.

William Zaleha and Mike O'Bymachow were present. Mr. O'Bymachow stated that the members had some questions about springs or bodies of water located to the west of the property. A soil scientist flagged the area and his report has been submitted. There is an area of 430 s.f. of wetlands on the property. He stated that there will be approximately 2700 s.f. of activity within the 50' buffer area. At the rear of the addition there will be a yard drain so that proposed drainage will go into that and into the existing catchbasin. The area is comprised of a well draining soil so drainagewise it will flow well. The southerly and westerly boundary has a hedge row and there is a lawn area which has been established for many years. He stated that there will be grass planted where the existing garage is

Mr. Columbo asked if this is the most prudent area to put the addition. Mr. O'Bymachow stated that this is the best location. Mr. Joyce stated that this would be an improvement to this particular area. Mr. Joyce asked if the calculations were done to the 100 year storm and Mr. O'Bymachow stated that it was designed for a 12" rainfall. Mr. Columbo stated that the regulations require that it be designed to a 100 year storm and because of the wetlands and conditions of adjoining properties it should be designed that way. Mr. Joyce stated that the back lawn areas are flagged as wetlands but they are not acting as wetlands. There have been complaints from residents in the area regarding water problems. Mr. Columbo stated that Mr. Joyce needs to review the plans and it will be on the agenda for the next meeting.

John Pituzzello applicant for Susan Martino, 27 Grandview Boulevard, APPLICATION #07022801.

Mr. Padilla recused himself from hearing this application. Ted Witek was present for the applicant. Mr. Columbo stated that he visited the site with Mr. Joyce. Mr. Witek stated that the property is located on the westerly side of Grandview Boulevard and it is .75 of an acre. The land slopes from east to west. There will be a silt fence and anti-tracking device. There are no wetlands on the site. Mr. Witek stated that there will be on site detention for increase in impervious area. He stated that they have not done any test holes but if they find that there is ground water where the drywells are they will put in an equal amount of galleys. Mr. Witek stated that they looked at the site and it was suggested that a drywell be put in but after review the area, the roof drains go into the ground and it not really necessary to put in a catchbasin/drywell at that location. He stated that if it is necessary it will be tied in. Mr. Joyce stated that he reviewed the drainage calculations and there will still be a need for two drywells to mitigate the total increase in impervious area. Mr. Columbo stated that there is no major impact from the proposed addition.

Mr. Dinice moved that on February 28, 2007 Jonathan David Builder, LLC, John Petrazzello (Applicant) submitted an application No. 07022801 which proposed no direct impacts to wetlands or watercourses and no activities within the 50' regulated upland review area and will require a Declaratory Ruling in accordance with Section 11.10.

Therefore, the Agency moves to approve Application No. 07022801 as presented and shown on the following documents submitted in support of the application.

1. "Property Boundary Dependent Resurvey - Site Development Map - Susan Martino - 27 Grandview Boulevard - Derby, CT", prepared by Clarke & Pearson Associates, Inc., dated October 12, 2006 and revised through 2/12/07, drawn to a scale of 1 in. = 20 ft.
2. "Wetlands/Watercourses and Soil Report", prepared by Soil Sciences and Environmental Services, Inc., dated November 3, 2006.

In addition to the requirements listed in Section 11.9, 11.12 and 11.13 of the Regulations

Protecting the Wetlands and Watercourses of the City of Derby, the following conditions also apply:

1. Lack of compliance with any condition of this permit approval shall constitute a violation of the Regulations Protecting the Wetlands and Watercourses of the City of Derby, and a cease and desist order shall be issued by the Wetland Enforcement Officer.

2. Any further changes or modifications to the application presented shall be submitted to the City Engineer to determine if additional review and approval is necessary by the Agency.

3. Prior to the installation of the on-site storm drainage "galleys", test pits shall be performed in the presence of the City Engineer to confirm suitability of soils. City Engineer shall be notified a minimum of 48 hours prior to test pit excavation.

4. The location of the northern drywell to be determined in the field and approved by the City Engineer.

5. Prior to any construction activities covered by this permit, the applicant arrange for the proper installation of all sediment and erosion control measures indicated on the above referenced plans by a qualified party and verified as complete by the City Engineer and/or Wetland Enforcement Officer.

6. All disturbed areas on the site not directly required for construction activities shall be temporarily hayed and seeded until permanent vegetation is established.

7. The Wetland Enforcement Officer, City Engineer or any other duly authorized representative of the City of Derby shall have the authority to direct the applicant, developer and/or contractor to install additional sediment and erosion control measures as conditions may warrant.

8. The Agency's decision to grant this approval makes no warranties or representations; either expressed or implied that future regulated activities will be permitted on this site.

The motion was seconded by Mr. Rogers and carried unanimously.

Derby Shopping Center, LLC, Christopher M. Colon - Applicant. APPLICATION #07021401 - seeking permission to conduct a "Regulated Activity" proposing to reconstruct the Orange/Derby Shopping Center with the building of Lowe's Home Improvement Store, a retail buildign and a restaurant building at 500 New Haven Ave - Lot #39, Tax Map #4-3.

Atty. Thomas Welch submitted copies of letters sent to the Orange Town Clerk and Orange Inland Wetlands Agency notifying them of this application. He also stated that a wetlands

assessment report was submitted which was done by Evans Associates. He also submitted photos of Two Mile Brook in that area and a storm water management report. He stated that there will be a net zero increase in runoff.

Ray Gradwell, Langan Engineering stated that they are proposing to demolish the existing buildings with the exception of Webster Bank, Dunkin Donuts and Burger King. He stated that there are three access points to the site; one on Sodom Lane, one at Burger King on Sodom Lane and a limited access driveway on New Haven Avenue. They will be removing the existing pavement and existing drainage structures. There is no storm water treatment at this site now and it drains directly into Two Mile Brook which runs through the center of the site. There is an intermittent watercourse that runs the entire perimeter of the rock excavation that was done. It is piped at points to Two Mile Brook. They will be keeping the same driveway on Sodom Lane which will be widened. The other accesses will also be maintained. There will be a lot of additional landscaping done throughout the parking area.

The Lowe's building will be tucked up in the back of the slope against the existing rock excavation; the parking lot is graded to Two Mile Brook. There is a proposed restaurant and retail pad adjacent to Two Mile Brook and Burger King. They will be grading and draining toward Two Mile Brook but they are adding a lot more drainage structures, inlets and storm water quality structures to the site.

He reviewed the soil and erosion control plan. He stated that the construction entrance will be gated off and there will be inlet protection on all the existing inlets and proposed. There will be perimeter silt fencing and haybales as well as rock check dams in the drainage swales on the west side of the site.

He stated that phase one would be the demolition of the site; phase two would be the construction of Lowe's and phase three would be the cleaning up of the driveway entrances. He reviewed the planting plan and stated that they will be cleaning up the area around Two Mile Brook and add some shrubbery to that area. The storm water quality will improve with the water leaving the site and going into the adjacent bodies of water.

Ron Gautreau, Evans Associates stated that there is a perimeter ditch that ultimately drains into Two Mile Brook. It is approximately 5 to 10 feet wide with some limited wetlands vegetation. They have cleaned out sections of Two Mile Brook and the main function is conveying drainage across the site. The areas will be recreated and planted as well as the edges of Two Mile Brook.

Mr. Columbo stated that the major concern is Two Mile Brook and the drainage. He urged the members to go out view the site. He stated that they had several pre-application meetings and they have addressed a lot of concerns that were expressed in those meetings.

Mr. Columbo asked about maintenance and they indicated that it will be maintained by the landlord and they will submit a maintenance schedule. Mr. Dinice stated that he would like to see a maintenance schedule both the drainage facilities and for cleaning out the Two Mile Brook area. Mr. Dinice asked if there was any thought to fencing the drainage ditch. Mr. Gautreau stated that they are fencing Two Mile Brook because of concerns expressed by Mr. Columbo. There is a guardrail now and there will be fencing behind.

Mr. Dinice asked about the garden center and if the fertilizers will be kept in a covered area. Mr. Gradwell stated that it will be and they will submit something in writing about that. Mr. Dinice asked about the drainage of the water that will be used in the garden center. Mr. Gradwell stated that there are no floor drains proposed but he will submit the schedule on the frequency of watering. Mr. Dinice asked about hazmat regulations and Mr. Gradwell stated that there is a detailed plan for this which can be submitted. Mr. Joyce asked if the geotechnical information on the rock slope be submitted. Mr. Gradwell stated that they did a lot of work on that and the report will be submitted.

Mr. Joyce stated that there is a flood plain just outside the property and he asked if they looked at the timing of that with relation to Two Mile Brook. Mr. Gradwell stated that they are doing a detailed drainage study for the STC submission and they are looking at a very large area of watershed for that.

Mr. Rogers asked about the toe of the slope and the excavation. Mr. Gradwell stated that they will be cutting back about 50' to the curblin and another 40' to the top of the slope. The excavated materials will be processed on site.

Mr Columbo stated that the Agency will conduct a public hearing on this application on March 21, 2007.

9a. Engineering Fees - Milone & MacBroom, Inc. for the City of Derby January, 2007 and February 9, 2007.

Mr. Dinice moved that the bills from Milone & MacBroom be paid. The motion was seconded by Mr. Padilla and carried unanimously.

9b. Lifetouch National School Studios, Inc., 90 Main Street, Derby

Mr. Joyce stated that their business is classified as an industrial activity and they have to register with the DEP and maintain a permit with them. The roof leader is discharging to the sanitary sewers. They are pursuing to have that disconnected now and have to get permission from the DOT to tie into the existing system.

A motion to adjourn was made by Mr. Dinice, seconded by Mr. Padilla and carried unanimously. The meeting was adjourned at 8:45 p.m.

ATTEST:

Maryanne DeTullio

These minutes are subject to the Agency's approval at their next scheduled meeting.