

**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
Roger Birtwell**

February 11, 2009
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, February 11, 2009 at Aldermanic Chambers, New City Hall, 1 Elizabeth Street, Derby. This meeting was called to order at 7:10 p.m. by Chairman Fred Columbo.

By roll call members present were Chairman Fred Columbo, Paul Dinice, Jr., Paul Padilla, David Barboza and Roger Birtwell.

Additions, Deletions, Corrections to the Agenda:

Mr. Birtwell moved to add as Item 5a approval of minutes of the 12/10/08 meeting and delete Item 9c from the agenda. The motion was seconded by Mr. Padilla and carried unanimously.

Approval of Minutes

Mr. Birtwell moved to approve the minutes of the January 14, 2009 meeting. The motion was seconded by Mr. Padilla and carried unanimously with Mr. Dinice abstaining.. A motion to approve the minutes of the December 10, 2008 meeting was made by Mr. Birtwell, seconded by Mr. Padilla and carried unanimously with Mr. Dinice abstaining.

Public Portion:

Dan Waleski, 21 Elm Street asked if there would be a public hearing on Item 8 and Mr. Columbo stated that there will not be one. Mr. Waleski asked to be allowed to comment on that application when it is heard and Mr. Columbo stated that will can speak at that time.

7. Continue a Public Hearing for: Catholic Cemeteries Association of the Arch Diocese of Hartford, Rev. David M. Walker, Director - applicant. APPLICATION #08111201-seeking permission to conduct a regulated activity: proposing to replace a collapsed culvert with a concrete arch culvert on property at 219 New Haven Avenue, Route #34, Lot #113 and Tax Map #5-4.

Joe Lenehan was present for the applicant. He stated that since the last meeting they received comments from Milone & MacBroom and he submitted a response packet to those comments. He also stated that a letter has been sent to DEP with submittals for their

Inland Wetlands Agency

2

February 11, 2009

review. Mr. Chiaravalloti stated that there are notes on the plans which allow for staging meetings with the Town of Orange and City of Derby during every critical stage of construction. A further flood plain analysis was done. He stated that there are no negative impacts to the wetlands. He also stated that they will submit a more detailed footing design. They have determined that they will be to salvage the existing stones that are removed from the arch and use that as a veneer on the head walls and wing walls. Mr. Chiaravalloti stated that they feel that they have addressed all the concerns in their response packet.

Dan Waleski, 21 Elm Street stated that he has not had a chance to review the plans and this is an extremely important waterway in the City. He stated that the brook is overburdened and it is important that the flow not be interrupted.

Mr. Lenehan stated that the Town of Orange has received the same information and they will have their final meeting in a few weeks. He also stated that they have filed an application with Planning & Zoning.

Mr. Columbo stated that a letter from Milone & MacBroom dated 1/28/09 was received. Mr. Dinice asked about the construction schedule and Mr. Lenehan stated that they are looking at a 6 to 8 week project and hoping to start in late June.

Mr. Joyce stated that he met with the engineers to review the details and there are no direct impacts on the Derby side of the project. He stated that one of the concerns overlaps into the P&Z review which is the flood plain and potential impacts to down stream culverts.

Mr. Columbo stated that he felt that they have done a complete and thorough job and there is sufficient data to make a decision. He stated that it will be a plenary ruling.

A motion to close the public hearing was made by Mr. Padilla, seconded by Mr. Birtwell and carried unanimously.

Mr. Columbo stated that the fee for this application can be waived since there is a substantial benefit to the public.

Mr. Padilla moved that the City of Derby Inland Wetlands Agency (DIWA) having considered the factors pursuant to Section 10 of the Inland Wetland and Watercourse Regulations of the City of Derby and after review of written and verbal information provided by the applicant, Commission members and City staff, finds the following:

1. On November 12, 2008, Catholic Cemeteries Association of the Archdiocese of Hartford (Applicant) submitted an application No. 0811201 for activities in and within 50 feet of the wetlands and watercourses and other upland areas adjacent to the wetlands. The activities are

associated with the replacement of the collapsing Two Mile Brook culvert which straddles the Derby/Orange municipal boundary.

Inland Wetlands Agency

3

February 11, 2009

2. A concurrent application has been submitted to the Orange Inland Wetlands and Watercourses Commission.

3. A Wetland and Watercourse Delineation report has been prepared which describes the existing site conditions.

4. The project proposes to replace the existing 145' long mortared stone arch culvert with a 75' long, 24'x11' Con/Span Arch Culvert. The existing channel and culvert bottom will remain in place and be repaired as needed.

5. In the City of Derby, the project proposes no direct wetland impacts and 610 sf (0.0140 acres) or 86 linear feet of direct disturbance of Two Mile Brook for the purposes of removing sediment accumulation associated with the culvert failure and erosion. In Derby, there will be 23662 sf (0.5432 acres) of disturbance within the 50' upland review area for the purpose of installing sediment and erosion control measures, constructing the culvert replacement, providing access to the culvert replacement and stream and wetland remediation, constructing a new 20' wide roadway and other site stabilization and restoration activities.

6. That this application is a "significant activity" in accordance with the definition of "significant activity" as found in the Regulations of the DIWA and will require a plenary ruling.

7. Sedimentation and erosion control measures have also been incorporated into the design including sedimentation control systems, stabilized construction entrances, erosion control matting, detailed sequence of construction for working within the wetlands and watercourses, details for dewatering basins to handle ground water during construction and an Invasive Plant Species Control Plan.

8. Information was provided by the Applicant, City staff, Commission members and the general public during the public hearings held on January 14, 2009 and February 11, 2009.

9. As required by Section 10.3 of the Inland Wetlands and Watercourses Regulations the Agency finds that no direct impact to the wetlands is proposed and that the proposed activities in Two Mile Brook and within the 50' regulated upland review area have been minimized to the extent possible and are necessary in order to repair and replace the existing culvert which will continue to deteriorate and potentially cause more serious impacts to the adjacent wetland and watercourse system.

Therefore, the Agency moves to approve Application No. 08111201 as presented and shown on the following documents submitted in support of the application:

1. Plans entitled “Two Mile Brook Culvert Replacement, Orange/Derby Connecticut, Mt. St. Peters Cemetery” prepared for Catholic Cemeteries Association of the Archdiocese of Hartford and prepared by Fuss & O’Neill, with the following plans attached:

- a. “Cover Sheet” dated revised 1/6/09.
- b. “Topographical Map” dated revised 12/9/08, scale: 1"=30'.
- c. “Layout and Grading Plan” dated revised 2/10/09, scale 1"=40'.
- d. “Mitigation/Impact Plan” dated revised 2/10/09, scale 1"=40'.
- e. “Restoration & Planting Plan”, dated revised 1/6/09, scale 1"=40'.
- f. “Erosion & Sedimentation Control Plan” dated revised 1/6/09 scale 1"=40'.
- g. “Plan and Profile” dated revised 1/6/09, scale 1"=40'H and 1"=4'V.
- h. “Construction Details” dated revised 1/6/09, scale as noted.
- i. “Erosion & Sedimentation Control Details dated revised 1/6/09 not to scale
- j. “Erosion & Sedimentation Control Details” dated revised 1/6/09 not to scale
- k. “Construction Details” dated 1/6/09 not to scale.

2. Inland Wetland Application for Permit entitled “Mt. St. Peters Cemetery, 219 New Haven Avenue/Route 34, Derby, Connecticut” prepared for Catholic Cemeteries Association of the Archdiocese of Hartford and prepared by Fuss & O’Neill dated November 2009, with the following sections included:

- a. Site Location Map at a scale of 1"=2000'.
- b. Project Narrative
- c. Design Alternatives
 - Alternate 1: Precast Concrete Arch
 - Alternate 2: Precast Concrete Box Beam Bridge
 - Alternate 3: Twin Cell Box Culvert
- d. Geotechnical Data
 - C-1 General Subsurface Conditions
 - C-2 Foundation Configurations
 - C-3 Ground Water
- e. Hydrology, Hydraulics and Scour
 - D-1 Hydrology
 - D-2 Hydraulic Analysis
 - D-3 Scour Analysis
- f. Wetland and Watercourse Delineation
- g. CT DEP Statewide Inland Wetlands & Watercourses Activity Reporting Form
- h. Abutters Lsit

3. Scour Evaluation-Mt. St. Peters Cemetery, Culvert Replacement, prepared by Fuss & O’Neill, dated January 13, 2009.

4. Invasive Plant Species Control Plan, prepared for Mt. St. Peter’s Cemetery, prepared by Fuss & O’Neill dated January 14, 2009.

5. Letter dated January 28, 2009 from Milone & MacBroom, Inc. to DIWA.
6. Letter dated Feb. 5, 2009 from Fuss & O'Neill to DEP (Attachments)
7. Comment and Response letter dated Feb. 10, 2009 from Fuss & O'Neill to DIWA.

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 stipulations also apply:

1. Lack of compliance with any stipulation 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 Derby Inland Wetlands Agency to determine if additional review and approval is necessary.

3. Prior to any construction activities covered by this permit, the applicant shall have the following items both completed by a qualified party and verified as complete by the City Engineer, Corporation Counsel and/or Wetland Enforcement Officer:

- a. Pursuant to Section 12 of the Regulations Protecting the Wetlands and Watercourses of the City of Derby, a bond covering the costs of the sedimentation and erosion control measures shall be filed with the City Clerk. The amount and form of the bond shall be approved by the City Engineer and Corporation Counsel. A minimum of \$5000 of the approved bond shall be submitted in the form of a separate cash bond.

- b. Arrange for the filing of this approval on the Derby Land Records.

- c. The proper installation of all sediment and erosion control measures indicated on the above referenced plans including the use of turbidity curtains downstream.

- d. The applicant shall provide written correspondence regarding the status of the DEP Water Diversion and Office of Long Island Sound (OLISP) permits.

4. Prior to the culvert installation a more detailed design of the culvert footings shall be submitted for review. The construction of the cast-in-place concrete footings for the new culvert will require independent special inspection.

5. A contact individual together with a 24-hour phone number shall be designated with responsibility and authority to receive notices of any breaches or deficiencies of sedimentation and erosion controls on-site, and to coordinate repair on any such breach or deficiencies within 8 hours of the notice from the sediment and erosion control inspector,

Wetland Enforcement Officer, City Engineer or any other duly authorized representative of the City of Derby. Contact information for the owner and contractor shall be provided to the City of Derby Department of Public Works, Derby Inland Wetlands Agency, Building Official and City Engineer.

6. Mandatory field meetings shall be held with the engineer, contractor, and representatives from Derby and Orange before each stage of the construction process to ensure that the appropriate erosion control and protective measures are in place before advancing to the next stage. The Wetland Enforcement Officer, City Engineer or any other duly authorized representative fo 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.

7. Work within or adjacent to watercourses shall be conducted during periods of low flow, whenever possible. The Contractor shall remain aware of flow conditions and shall not initiate work when flow conditions threaten to cause excessive erosion, siltation or turbidity. Work will not be allowed to commence before predicted major storms. A major storm shall be defined as a storm predicted by NOAA Weather Service with warnings of flooding, severe thunderstorms, or similarly severe weather conditions or effects.

8. All maintenance and refueling of equipment and vehicles shall be performed at least 50 feet or as far as practical from all wetlands, watercourses and flood plain boundaries.

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

10. After commencement of construction, an inspection of the condition, integrity and adequacy of the sedimentation and erosion controls shall be made by a qualified party on a regular basis, at least once every seven calendar days and within 24 hours of the end of a storm event that is 0.5 inches or greater and until the City of Derby determines that inspections are no longer required.

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

12. The fee for this application will be waived based on Section 18.7 of the regulations.

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

Mr. Joyce stated that the plans call for the use of natural stone as indicated on the plans for the wing walls and head walls. Mr. Dinice then amended the motion to include as Condition #13 that stone work be retained as an architectural feature as found on the plans and discussed during the public hearing. The amended motion was seconded by Mr.

Inland Wetlands Agency

7

February 11, 2009

Birtwell and carried unanimously.

8. City of Derby, Sheila O'Malley - applicant, APPLICATION #09011401 - seeking permission

to conduct a regulated activity: proposing to construct an 1,800 ft. access drive road from Division Street/BJ's Wholesale Road into Commerce Park including utility services on Lot #1 and Tax Map #7-8.

Fred Clark, DeCarlo & Doll stated that this will be an 1800 foot access drive going into the 28 acre parcel which will be used as access and to bring utility services into it for potential development. There are seven wetland pockets on the parcel and there are no direct impacts. There are impacts within the 50' buffer area. Mr. Columbo noted that the development of each lot on this parcel would be handled separately; the application is only for the access road.

Dan Waleski, 21 Elm Street asked why the emphasis is toward the railroad side and not the dike site. He is hoping that the City can get passage over the railroad tracks to get access to that area.

Mr. Joyce stated that the property is currently in a Flood Zone A area but new FEMA mapping will take that out of Flood Zone A.

Mr. Columbo stated that this would be a summary ruling and since it is a City of Derby the Agency can waive the fees pursuant to Section 18.7 of the regulations.

Mr. Padilla moved on January 14, 2009 the City of Derby (Applicant) submitted an Application No. 09011401 proposed no direct impacts to wetlands or watercourses and non-significant activities within the 50' of a regulated upland review area and will require a Summary Ruling in accordance with Section 11.11.

Therefore, the Agency moves to approve Application No. 09011401 as presented and shown on the following documents submitted in support of the application:

1. List of Abutters.

2. "Construction of the Access Drive for Commerce Park - Derby, Connecticut - Inland Wetlands Permit Submission", dated December 2008, prepared for City of Derby, prepared by DeCarlo & Doll, Inc. with the following drawings:

- a. Title Sheet
- b. Property Survey - Sheet 1 of 1
- c. Typical Section - Sheet
- d. Force Main Plan and Profile - Sheets 3, 4
- e. Highway Plan - Sheets 5, 7
- f. Roadway Profile - Sheet 6, 8
- g. Sedimentation & Erosion Control Plan - Sheet 9, 10

Inland Wetlands Agency

8

February 11, 2009

- h. Cross Sections - Sheet 11-19
- i. Construction details - Sheet 20, 20, 21

3. CT DEP Reporting Form.

4. Access Drive Inland Wetland Summary Data, prepared by DeCarlo & Dolls, Dec. 2008.
5. On-site Soil Investigation Report, Prepared by CT Ecosystems, Inc.
6. Drainage Computations Summary, prepared by DeCarlo & Doll.
7. Sequence of Construction and Best Management Practices, prepared by DeCarlo & Doll.

In addition to the requirements listed in Sections 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 applications presented shall be submitted to the City Engineer to determine if additional review and approval is necessary by the Agency.
3. Construction shall be performed in accordance with the "Sequence of Construction and Best Management Practices". Prior to the start of construction, a field meeting shall be held with the engineer, contractor, and representatives from the City of Derby to ensure that the appropriate erosion control and protective measures are in place. The Wetland Enforcement Officer, City Engineer or any other duly authorized representative of the City of Derby shall have the authority to direct the contractor to install additional sediment and erosion control measures as conditions may warrant.
4. The drawings shall be updated to include the location of the construction entrance in accordance with the detail shown on the drawings.
5. All maintenance and refueling of equipment and vehicles shall be performed at least 50 feet or as far as practical from all wetlands and watercourses.
6. All disturbed areas on the site not directly required for construction shall be temporarily hayed and seeded and/or provided with erosion control blankets until permanent vegetation is established.
7. After commencement of construction, an inspection of the condition, integrity and adequacy of the sedimentation and erosion controls shall be made by a qualified party on a regular basis, at least once every seven calendar days and within 24 hours of the end of a storm event that is 0.1 inches or greater and until the City of Derby determines that inspections are no longer required.

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.

9. Any fees for this application are waived based on Section 18.7 of the regulations.

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

9a. Engineering Fees: Milone & MacBroom, Inc. for the City of Derby: Statement of January 14, 2009.

A motion to pay bills from Milone & MacBroom, Inc. was made by Mr. Birtwell, seconded by Mr. Padilla and carried unanimously.

9b. Post/tags for non-encroachment lines.

Mr. Dinice stated that he will have an update at the next meeting. not present this evening so that item will be tabled to the January meeting.

A motion to adjourn was made by Mr. Barboza, seconded by Mr. Birtwell and carried unanimously. The meeting was adjourned at 8:15 p.m.

ATTEST:

Maryanne DeTullio

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