

**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**

June 9, 2010
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, June 9, 2010 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, Phil Marcucio, David Barboza, Paul Padilla, Paul Dinice and Roger Birtwell. Also present was Ryan McEvoy, Milone & MacBroom.

Additions, Deletions, Corrections to the Agenda

Mr. Marcucio moved to add as Item 10b Letter from DEP regarding general permit for minor grading work at State Parks. The motion was seconded by Mr. Birtwell and carried unanimously.

Approval of Minutes

A motion to approve the minutes of the 5/12/10 meeting was made by Mr. Birtwell, seconded by Mr. Marcucio and carried unanimously with Mr. Dinice abstaining.

Public Portion

There was no one from the public wishing to speak.

7. Carl DeCarli – applicant for BAMF Homes, Incorporated. APPLICATION #10011301 – seeking permission to conduct a regulated activity: proposing to construct 2 single family homes on Lot #17, Tax Map #3-2.

Chm. Columbo stated that the public hearing was closed at the May meeting. Mr. Birtwell asked how the homeowner will maintain the wetlands area. Chm. Columbo stated that there will be a conservation easement and there is an Enforcement Officer who would be notified if there was a violation. Mr. Barboza stated that he would like to see the fence as close as possible to the wetlands and he stated that he would also like to see something about maintenance of the area. Mr. Marcucio stated that the split rail fence will deter the use of equipment in that area. Mr. Dinice stated that the

property will have a split rail fence with wetland markers and it is in a very visible location. Mr. Dinice asked about the access easement and Mr. McEvoy stated that he has had discussions with the applicant about the access easement and he has agreed to work with the City on that easement.

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

1. On December 30, 2009 BAMF Homes, Ltd (Applicant & Owner) submitted an application No. 10011301 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 creation of two building lots for the construction of 2 new residential houses.
2. An unnamed watercourse bisects the eastern third of the property and is fed primarily by a combination of groundwater and stormwater runoff.
3. A Wetland Delineation Report has been prepared which identified the existing site conditions.
4. The project proposes to mitigate increases in runoff from the proposed houses and driveways with underground infiltration galleries. Test pits were performed and the storm water management system has been designed such that the post development stormwater flows exiting from the property are at or below the predevelopment conditions in accordance with Section 6.4 of the Regulations.
5. There will be a total of 236 lf of direct wetland impacts for the purpose of constructing the split rail fence 2,425 sf (0.56 acres) of disturbance within the 50' regulated upland review area for the purpose of constructing two single family homes, site grading, landscaping, drainage improvements, etc.
6. The DIWA conducted a public hearing on this application and in accordance with Section 10.3 of the Regulations and Connecticut State Statutes, the Agency must find the proposed alteration of the wetlands is unavoidable, and that a prudent and feasible alternative to the alteration does not exist. The applicant proposed a prudent and feasible alternative that would have required a variance from the Derby Zoning Board of Appeals, and that variance has been denied.

7. Sedimentation and erosion control measures have also been incorporated into the design including sediment filter fence, stabilized construction entrances, construction sequencing, etc.

8. Information was provided by the Applicant, City staff, Commission members and the general public during the public hearings held on April 14, 1020 and May 12, 2010.

Therefore, the Agency moves to approve Application No. 10011301 with modifications as presented and shown on the following documents submitted in support of the application:

1. "Purpose and Description of Activity", dated December 30, 2009, revised to April 1, 2010.

2. List of Property Owners.

3. "Wetland Report, Lot 17, Tax Assessor's Map 3-2, John Street and Sodom Lane, Derby, Connecticut," prepared by Soil and Wetland Science, LLC, dated December 30, 2009.

4. "Site Engineering & Drainage Report," prepared for BAMP Homes, Inc., prepared by Rotundo Engineering, LLC, dated December 30 2009, revised April 27, 2010.

5. Plan entitled "Existing Conditions Plan, Topographic Survey of Property Known as Assessor's Parcel 17 on Assessor's Map 302, John Street and Sodom Lane, Derby, Connecticut" dated November 4, 2009, revised to January 16, 2010, scale 1" = 20', prepared by Lewis Associates.

6. Plans entitled "2-Lot Residential Subdivision, Lot #17, Tax Map 3-2, Derby, Connecticut" with the following attached drawings:

a. "Sheet SP-1, Site Development Plan," prepared by Rotundo Engineering, LLC dated December 30 2009, revised April 22, 2010 and drawn at a scale of 1" = 20'.

b. "Sheet SP-2, Erosion and Sedimentation Control Plan," prepared by Rotundo Engineering, LLC, dated December 30, 2009, revised March 1, 2010, and drawn at a scale of 1' = 20'.

c. "Sheet SP-3 Erosion and Sedimentation Control Details and notes," prepared by Rotundo Engineering, LLC dated January 30, 2009 revised March 1, 2010 and drawn at a scale of 1"=20'.

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. While the applicant has indicated that no other direct wetland activity will occur aside from the fence installation in order to prevent future encroachment into the wetlands, the applicant shall relocate the proposed split rail fence to follow the western edge of the wetlands boundary, and revise the conservation easement to include the entire area of wetlands on the parcel.
2. The applicant shall place placards prescribed by the DIWA at intervals of no less than 25' on fence posts along the western edge of the wetland delineation.
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, Director of Public Works, 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. Written confirmation that the deed of the property references the regulated areas on site and the stipulated conditions of this approval.
 - c. Approval by the Board of Aldermen and filing of the conservation easement on the Derby Land Records.
 - d. Approval by the Director of Public Works, Corporation Counsel and City Engineer of the proposed access easement to the existing 24" storm pipe and filing of the access easement documents on the Derby Land Records.
 - e. The proper installation of all sediment and erosion control measures indicated on the above referenced plans. Including installation of haybales adjacent to the silt fence along the western edge of the wetlands.
4. 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.
5. All disturbed areas on the site not directly required for construction activities shall be temporarily hayed and seeded until permanent vegetation is established.

6. 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.
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. 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 reach 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.
9. 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.
10. 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 Wetlands Enforcement Officer.
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. Per Section 11.11 a summary ruling is hereby granted by the DIWA and a fee of \$100.00 is required per Section 18.5 of the Regulations.

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

8. George Schrade and Michael Tracz – applicants. APPLICATION #10041401 – seeking permission to conduct a regulated activity. Proposing to remove trees on property at 139 Water Street, Lot #170, Tax Map 8-5.

Alan Shepard, Engineer, Jim Schrade and Scott Schrade were present. Chm. Columbo stated that a meeting was held on June 1, 2010 with Alan Shepard, Ryan McEvoy, Jim Schrade, Scott Schrade and John Rak concerning this application.

Mr. Shepard stated that they met and went over the details of the application. They are proposing to clear some trees from the site that are invasive. There is a planting plan included on the plans for the areas where trees will be removed. He stated that within 25' they will just cut and outside the 25' foot area they will take out the stumps. A silt fence will be put in place prior to any cutting. He stated that he has also defined the limit of wetland disturbance line on the plans as well as adding construction notes. The work that will be done within 25' will be done with hand tools. He also stated that the State of Connecticut has done some work on the site to clear out the pipe and it seems to be flowing better.

Chm. Columbo noted that the members did individual site walks. Mr. Marcucio asked about the time frame for the project. Mr. Shepard stated that they would like to do the work in the summer and plant in the early fall.

Mr. Birtwell moved that the City of Derby Inland Wetlands Agency (DIWA) based upon the information provided by the applicant finds the following:

1. On April 14, 2010 George Schrade and Michael Tracz submitted an application No. 10041401 for activities within 50 feet of the wetlands and watercourses and other upland areas adjacent to the wetlands. The activities are associated with the removal of trees and replanting lan.
2. That this application is not a "significant activity" in accordance with the definition of "significant activity" as found in the Regulations of the DIWA and will require a summary ruling.

Therefore, the Agency moves to approve Application No.10041401 as presented and shown on the following documents submitted in support of the application:

1. "Existing Conditions Map, Prepared for Quick Pic, Water Street, Derby, CT, prepared by Nowakowski-O'Bymachow-Kane Associates, dated February 12 2010 and drawn to a scale of 1"=60'.
2. "Tree Removal and Planting Plan, Prepared for Schrade Water Street LLC, Water Street, Derby, CT prepared by Nowakowski-O'Bymachow-Kane, Associates dated June 7, 2010 and drawn to a scale of 1"=40'.
3. Letter regarding Site and Wetland Boundary Review, prepared by JMM Wetland Consulting Services, LLC, dated May 7, 2008.
4. Letter regarding Quick Pic, Water Street, Derby, prepared by Arbor Services of CT, Inc., dated May 10, 2010.

5. Letter regarding Quick Pic, Water Street, Derby, prepared by Nowakowski-O'Bymachow-Kane Associates, dated February 12, 2010.

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. This approval is based solely on the activities proposed by the applicant as shown on the above referenced drawing. Other concurrent activities on site (i.e. environmental investigations and remediation) are independent and may require individual permit approval.
2. Prior to the removal of trees, the engineer is to stake out the location of the wetlands as depicted on the above referenced plan.
3. Immediately following tree cutting, and prior to any stump removal the sediment and erosion control measures shall be established to the east of the trees in accordance with the details on the plan. The plans shall be modified to include this stipulation. No disturbance shall occur beyond sediment and erosion control measures.
4. Any disturbed areas shall be re-vegetated according to the plan as soon as possible, and shall temporarily hayed and seeded until permanent vegetation is established.
5. Any significant 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.
6. The Wetland Enforcement Officer, City Engineer or any other 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.
7. 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.
8. 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.
9. The applicant shall provide a plant list to the approval of the City Engineer and/or Wetland Enforcement Officer prior to removal of the trees.

10. Per Section 18.5 the DIWA approves the application as a summary ruling and the applicant shall pay a fee of \$200.00 to the City of Derby Finance Office.

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

9. Warrant Allen, d/b/a Allen's Excavation – applicant. APPLICATION #10060901 – Seeking permission to conduct a regulated activity: proposing to replace/repair 22 existing manhole covers on City of Derby property from Chestnut Drive to Belleview Drive to Krakow Street.

Warren Allen was present and explained the project to the Commission. He stated that he will be replacing and/or repairing the manhole covers with covers that are locked and waterproof. There will be four stream crossings involved in the work. He stated that these all have rocky bottoms and will not stir up any silt. Mr. McEvoy stated that he walked the area with Mr. Allen but would like more time to review the application and the stream crossings. He stated that most appear to be within the wetlands and there will be some disturbance for each manhole.

Chm. Columbo stated that the application will be continued to the July meeting.

10a. Engineering fees: Milone and MacBroom, Inc.

Mr. Columbo stated that there were no bills submitted from Milone and MacBroom, Inc.

10b. Letter from DEP dated 5/28/10.

Chm. Columbo stated that he received a letter dated 5/28/10 from the DEP regarding general permit for minor grading at State Parks. He stated that they notified any town that has a State park in it.

A motion to adjourn was made by Mr. Padilla, seconded by Mr. Birtwell and carried unanimously. The meeting was adjourned at 8:50 p.m.

ATTEST:

Maryanne DeTullio

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