

**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**

July 14, 2010
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, July 14, 2010 at Aldermanic Chambers, New City Hall, 1 Elizabeth Street, Derby. This meeting was called to order at 7:05 p.m. by Chairman Fred Columbo.

By roll call members present were Chairman Fred Columbo, David Barboza, Paul Padilla, Paul Dinice and Roger Birtwell. Also present was Ryan McEvoy, Milone & MacBroom.

Additions, Deletions, Corrections to the Agenda

Mr. Dinice moved to add as Item 9d Mount St. Peter's Cemetery, New Haven Avenue. The motion was seconded by Mr. Birtwell and carried unanimously.

Mr. Padilla moved to add to Item 9a that the invoices from Milone and MacBroom are dated 5/10/10 and 6/10/10. The motion was seconded by Mr. Birtwell and carried unanimously.

Approval of Minutes

A motion to approve the minutes of the 6/09/10 meeting was made by Mr. Birtwell, seconded by Mr. Padilla and carried unanimously.

Public Portion

Harvey Finkel, 270 Shagbark Drive, President of the condominium association stated that they are doing some work at the condominiums and stated that Mark Lancor their engineer would explain the project.

Mark Lancor stated that the Association has undertaken a paving project and in the course of working on that there are a number of things that need to be fixed. He stated that there are drainage issues that need to be addressed for safety reasons. He stated that they will not be increasing any impervious area and the parking area and sidewalks will remain the same as they are now. He stated that the property does not drain into any wetlands areas. He met with Mr. Kopjanski and Mr. McEvoy regarding

the project and they suggested that they come before the Commission. There will be no changes to the drainage patterns and what is leaving the site at this time. He stated that they need to do these improvements along with the paving work. He stated that they will not be working within any wetland areas.

Mr. Dinice asked if they will be removing the old asphalt and Mr. Lancor stated that in some areas it is very thin and they will pulling out the sub-base materials. Mr. Dinice asked if the materials will be removed from the site. Mr. Lancor stated that some of the materials will be re-used and the contractor will take the remaining materials off site. He stated that the project should take approximately 75 calendar days and they are hoping to begin in September and have it completed before the cold weather.

Mr. McEvoy stated that the work involves repaving, maintenance and drainage improvements. He reviewed the soil and erosion control plan and it is very thorough. He stated that there is only one area that may be within the 50' review area and that would be one corner near Sodom Lane.

Mr. Columbo felt that they should complete an application and submit plans to the Commission. He felt that it could be handled at the next meeting. He urged the members to go out and do a site inspection.

7. Warren Allen, DBA 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 Bellview Drive, to Krakow Street.

Mr. McEvoy stated that he conducted a field walk on July 12th with Mr. Allen to review where he will be crossing Two Mile Brook. He found appropriate locations to cross, which was the major issue with this application. He stated that there are two additional manholes that will be replaced and those are further into the woods and not near the brook. He stated that most of the manholes are quite a distance from the brook.

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 (the Regulations) and after review of written and verbal information provided by the applicant, Commission members and City staff, finds the following:

1. On June 9, 2010 Warren Allen, dba Allen's Excavation submitted an application No. 10060901 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 and resetting of manhole covers along a cross-country sanitary sewer line.

2. The portion of the existing sewer line where work is proposed lies adjacent to Two Mile Brook from Chestnut Drive south past Belleview Drive, and ends along Krakow Street.
3. The project proposes to replace 24 manhole tops and raise those that are less than 6" above existing grade to a minimum of 6" above existing grade.
4. There will be a total of 0 square feet of permanent direct wetlands impacts associated with the proposed activities. The applicant will need to cross Two Mile Brook at 4 specific locations in order to gain access to the manhole covers. These crossings have been reviewed by City staff. Removal of some vegetation within the existing easement may be necessary to allow access for the lightweight tractor proposed to deliver the manhole covers and perform the work associated with setting and repairing the existing manhole tops.
5. 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.
6. Information was provided by the applicant, city staff and Agency members during the regular meetings held on June 9, 2010 and July 14, 2010.

Therefore, the Agency moves to approve Application No. 10060901 with modifications as presented and shown on the following documents submitted in support of the application:

1. Letter addressed to Wetlands Committee, prepared by Warren Allen, dated June 3, 2010.
2. Plans entitled "Sanitary Sewer Rehabilitation Project, Rehabilitation Plan, dated July 21, 2010, prepared by Weston & Sampson, containing sheets C-1 and G-1.
3. Photos of manhole covers to be replaced.
4. Properties where manholes are located that require upgrading.

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. The applicant shall notify properties owners 48 hours prior to the commencement of work on each property. The applicant shall restore any disturbed areas on the properties to their current condition.

2. The applicant shall provide silt fence, haybales, or woodchip barriers between each manhole cover and Two Mile Brook while work is being completed to prevent sediment from entering the brook.
3. The applicant shall place lumber or felled trees parallel to Two Mile Brook along stream banks where machinery will be crossing in order to protect the stream bank from erosion.
4. The applicant shall cross the stream in the areas specified in the field walk with City staff on July 12, 2010.
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 activities shall be temporarily hayed and seeded with New England Erosion Control Restoration Mix or approved equal.
7. Weather shall be monitored and no work is to occur within 24 hours after a rainfall event exceeding 0.5".
8. 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.
9. 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.
10. 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.
11. 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.

12. 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.

13. Per Section 18.5 of the Regulations, 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. Birtwell and carried unanimously.

8. Susan Giordano – applicant. APPLICATION #10071401 – seeking permission to conduct a regulated activity: proposing to construct 1 new, single family house on property at 19 McConney's Grove, Lot #2, Tax Map #12.

There was no one present regarding this application. Mr. Columbo stated that it will be on next month's agenda.

9a. Engineering fees: Milone and MacBroom, Inc. Invoices dated 5/10/10 and 6/10/10.

Mr. Padilla moved to pay the invoices from Milone and MacBroom dated May 10, 2010 and June 10, 2010. The motion was seconded by Mr. Dinice and carried unanimously.

9b. George Schrade, List of proposed Wetlands plantings for APPROVED APPLICATION #10041401, at 139 Water Street.

Mr. McEvoy stated that he reviewed the list and there were several invasive species on the list which the engineer removed. The plantings are appropriate for this setting and he saw no issue with the revised planting list. Mr. Dinice moved to accept the plant list for this application. The motion was seconded by Mr. Padilla and carried unanimously.

9c. Invoice #2010-S104 for University of Connecticut Wetlands Workshop, \$60.00 fee.

Mr. Columbo stated that Mr. Birtwell has attended the second workshop and missed the first session which this invoice is for. Mr. Dinice moved that the invoice be paid. The motion was seconded by Mr. Padilla and carried unanimously with Mr. Birtwell abstaining.

9d. Mount St. Peter's Cemetery

Mr. Columbo stated that he attended an on-site walk on 6/11/10. Mr. McEvoy stated that this project was approved a while ago and they were taking the top off of an old culvert. They are now requesting a revision to the plans. He stated that the last part of the arch will remain and what they will now do will slightly reduce the impact.

A motion to adjourn was made by Mr. Padilla, seconded by Mr. Dinice and carried unanimously. The meeting was adjourned at 7:50 p.m.

ATTEST:

Maryanne DeTullio

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