

**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
Roger Birtwell**

**October 12, 2011
(Meeting Taped)**

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, October 12, 2011 at Aldermanic Chambers, New City Hall, 1 Elizabeth Street, Derby. This meeting was called to order at 700 p.m. by Chairman Fred Columbo.

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

Additions, Deletions, Corrections to the Agenda

Mr. Birtwell moved to add under Item #8a – Invoice No. 57235. The motion was seconded by Mr. Dinice and carried unanimously.

Approval of Minutes

A motion to approve the minutes of the September 14, 2011 meeting was made by Mr. Birtwell, seconded by Mr. Dinice and carried unanimously .

Public Portion

Drew Perry, 27 John Street stated that there is a lot of water runoff from the property on John Street and there are no storm drains at the end of John Street. He stated that the builder of the house on the corner has not done what he was suppose to do and it is causing runoff.

Jim Rotondo, engineer on that project stated that they had proposed plastic chambers, which were installed, and never proposed concrete chambers.

Mr. Perry stated that the lot is getting flooded and it is backing up to Sodom Lane. Mr. Columbo stated that the fence is located up from the wetlands and the Agency tried to protect the wetlands as much as possible. Mr. Birtwell stated that he was in that area during a heavy rain storm and did not see any problems. Mr. Perry stated that it is backing up at the culvert. Carl DeCarli, Burtville Avenue, previous applicant, stated that he went there during a heavy rain and it was not backing up onto Sodom Lane. Mr. Columbo asked Ryan McEvoy to check the plans and make sure that everything was done. He also asked Mr. Perry if he had any pictures of the area with the water to submit them to the Agency.

7. Conduct a Public Hearing for: RAMF Homes LTD, Inc., Carl DeCarli – applicant. APPLICATION #1111401 – Seeking permission to conduct a Regulated Activity: proposing development of a 5 lot residential subdivision for future construction of 5 single family homes on Lot #13, Tax Map #302 at 16 John Street.

A motion to open the public hearing was made by Mr. Birtwell, seconded by Mr. Dinice and carried unanimously. Attorney Dominick Thomas, 315 Main Street, Derby was present for the applicant. Mr. Columbo stated that the legal notice regarding this public hearing was published on 10/1/11 and 10/8/11. A review letter from Milone and MacBroom dated 10/3/11 was received. Atty. Thomas submitted the certified mailings. He also presented aerial photos of the site and a revised plan which was done in response to Mr. McEvoy's comments. He also submitted the soil report.

Atty. Thomas stated that they are proposing a five lot subdivision on property that was part of the Lipke Farm on John Street. He stated that there will be little or no impact to the upland review area. The disturbance is actually down gradient of the wetlands. Atty. Thomas stated that the regulations require a reasonable and prudent alternative be presented when there is a regulated activity that causes a substantial adverse impact to wetlands or watercourses. He stated that they will provide evidence that the activity that will take place is not a substantial impact on the wetlands. There will be no filling or disturbance of the wetlands. There are no watercourses on the property.

Jim Rotondo, engineer, 25 Brook Street, Shelton presented revised plans addressing Milone and MacBroom comments. He also submitted three full copies of the drainage report and summary page with flow information.

He stated that 16 John Street is at the intersection of Sodom Lane and the property is on the easterly side of John Street. The site is approximately 3.3 acres and there is currently an existing house, barn and sheds. There are two wetland areas along the westerly boundary. The lower wetlands are approximately 8,880 s.f. and the upper wetlands are 12,940 s.f.; approximately one-half acre of wetlands on the site. They are proposing to subdivide the parcel into five lots; each will be serviced by water and sewer. He stated that the storm water management system consists of the installation of surface detention chambers and a detail has been added to the plans. He stated that calculations were done to determine how many of these chambers would be required on each lot and those are depicted on the drawings. The installation of the detention chambers and the introduction of some new lawn areas on the site result in a decrease in the 2 to 100 year storm event. He stated that the lower portion of the site is generally a grass area and the upper portion is sparsely vegetated. As part of the proposal the areas in the upper portion will be topsoiled and seeded. This will help slow down water runoff and aid infiltration.

He stated that there are regulated activities – Lot 1 in the southeast corner and Lot 4 located in the upper northwesterly portion of the site. He stated that along Lot 1 the rear portion of the house is located within the upland review area and also the driveway turnaround area. He stated that they are also requesting to do some landscaping and stabilization behind the house area. He stated that on Lot 4 there is a small corner of the house located in the upland review area and the driveway turnaround area and small portion of the driveway is located there. Mr. Rotondo stated that on Lot 1 the

rear are is basically flat and within the construction they do not anticipate changing any grades. There will just be disturbance around the house itself will have to be stabilized. He stated that they are proposing a curtain drain along the rear tying into the catchbasin within Sodom Lane. Mr. Columbo asked if there is a ground water disturbance in that area. Mr. Rotondo stated that they did test pits throughout the site and with their findings they felt it was prudent to propose a curtain drain. He stated that that there is not a survey included but have been in contact with Codespoti & Associates to get this and will submit those.

He stated that Mr. McEvoy was looking for the treeline and also a outline of the gravel areas. He stated that based on the aerial photos superimposed the treeline and also the gravel areas.

Roger Birtwell asked about the double driveway and how the property lines will be structured. Mr. Rotondo stated that each lot as an individual driveway. There are two rear lots that will have an accessway to the lots.

Mr. Rotondo noted that Mr. McEvoy commented on whether the wetlands were flagged. He stated that the soil scientist flagged the wetlands in the field and the the revised plans show the flag numbers. He stated that Lot #4 is one of the rear lots and it is 50,000 s.f. and because of the lot size the applicant wanted to put in a larger house envelope. He stated that anything can be built on that lot as long as it falls within that envelope.

He stated that the site slopes generally from the rear of the site down toward John Street and Sodom Lane so that any development and construction the flow will be away from the wetlands. He stated that on Lot 4 the driveway is approximately 15' from the wetlands boundary. On Lot 1 there is a side loading garage and apportion is in the upland review area. It slopes toward John Street and any flow would be away from the wetlands. He stated that details regarding drainage have been added to the plans and this was discussed with Mr. McEvoy. He also stated that a line has been added to the drawings showing the approximate limit of lawn area and all activities are within the lawn area. There will be essentially no clearing of trees.

There will be a curtain drain behind the house on Lot 1 which is going to be approximately 7' deep. This will have a minimal impact on the hydrology of the area. Mr. Columbo asked how long the drain was and Mr. Rotondo stated that it is 90' long. Mr. Columbo asked why it is extended down and Mr. Rotondo stated that it is not really needed. Mr. Columbo asked what is different on the revised plans and Mr. Rotondo stated that there is some additional clarifications and information added but no changes.

Atty. Thomas stated that they would have no problem with putting up a split rail fence and wetlands markers on the site.

Otto Thiel, soil scientist stated that he delineated the wetlands on the site. He stated that there are two wetland areas and in the upper wetlands they are mostly filled with

wood chips and there is only vegetation on the edges. A lot of the functions of the wetlands have been compromised but it does transport surface water during rainstorms. The lower wetlands are about two-thirds lawn and the western portion is wooded and thick with brambles. He stated that in his opinion there will be no impact to the wetlands from this development. He stated that most of the impact has already taken place. He stated there will not be a concern of impacting the wetlands with contaminated water runoff. He stated that the way the driveway is graded it is away from the wetlands. There is an opportunity for some improvements of the value of the wetlands areas. He did not feel that there will be any negative impacts. Mr. Birtwell asked about the soil stockpiles that are shown. Mr. Rotondo stated that there is a stockpile and the topsoil that is stockpiled will be used to re-establish the lawn areas. Mr. McEvoy stated that there is all woodchips now and he asked when that was done. Mr. Rotondo stated that a lot of the large piles have been removed but there are some in the areas.

Mr. Columbo stated that on Lot 4 there is no curtain drain. Mr. Rotondo stated that there was a test pit in that area and they went down about 8' and there was no ground water so they did not feel that it was necessary. Mr. Columbo asked about the rear of the house and Mr. Rotondo stated that they did the front of the house and did not think it was needed. Mr. Columbo asked on the entire site what the percentage of wetlands are and what percentage is buffer. Mr. Rotondo stated that there is approximately one-half acre of wetlands. He did not know the amount of buffer area. Mr. Columbo noted that the new materials submitted will have to be reviewed by Mr. McEvoy.

Mr. Dinice stated that he walked the site and there are a lot of plantings on the upper part that will help with the water runoff. He also agreed with the installation of the fence. He stated that it would be nice to have a catchbasin since it is an awful long distance that the water will have to flow to get to a catchbasin. He stated that with the development of the site it should improve the situation with regard to the wetlands.

Mr. Columbo asked if there will be any impact to any animals in the area. Mr. Thiel stated that most of the wildlife use would be west of the wetlands. He did not think there will be any impact to the wildlife. Mr. Columbo asked if the location of the five lots is the most prudent and feasible location. Atty. Thomas stated since there is no impact to the wetlands they do not have to go into feasible and reasonable alternatives. He stated that these are the best locations and they have been situated so that there is no impact on the wetlands. Mr. Rotondo stated that they have been located as far from the wetlands as possible.

Mr. Columbo asked for any public comment.

Scott Walker, 67 Marshall Lane stated that all his questions were answered.

Drew Perry, 27 John Street stated that they are proposing all these driveways and all the water is going to go onto John Street. He stated that there are no storm drains on John Street. There is no crown in the street and it will flow directly onto other people's property.

Carl DeCarli, 37 Burtville Avenue, applicant stated that right now there are a lot of bare spots on the property and they are proposing to seed the area for laws and it will have less impact on the flow toward John Street. This will be an improvement as the grass will catch a lot of the water. Mr. Rotondo stated that the area slopes down and in the existing condition you have runoff coming down onto John Street. He stated that as part of their proposal there are several things incorporated into the storm water management design. He stated that the bare areas will be topsoiled and seeded and it will be covered with vegetation and will help with infiltration. There are driveways that are part of the proposal that will drain down toward Sodom Lane. He stated that what they look at in the storm water management plan is an overall picture between pre-development and post development runoff. He stated that the measures that were put into the storm water management plans they tried to mimic the pre-development condition and maintaining or decreasing the flows from that condition. He stated that they are providing sub-surface detention which will collect the roof areas. He stated that they are not increasing the runoff; it will be the same or a little lower.

Mr. Perry stated that it is constantly a wet area and the water from the driveways will flow into the adjacent properties and onto Sodom Lane.

Mr. Rotondo stated that he could speak with Mr. McEvoy about this but with the storm water management plan there is no increase and there is a slight decrease. Mr. Perry stated that he could not see how they are decreasing the flow and felt that there will be more water coming onto John Street and Sodom Lane. Mr. Columbo stated that he would like Mr. McEvoy to look into this. Mr. Perry also presented a petition signed by neighbors against the application.

Karen Kemmesies, 25 John Street stated that she was concerned about the water coming off of the two driveways into John Street. She stated that any water will end up in her basement. She stated that right now there is no water coming onto her land. She also stated that John Street is inundated with springs. She stated that the pipe that was recently replaced has been helping with the situation. She stated that there is enough going on now with the existing condition and she could not envision how it could improve. She stated that she did not see how they are addressing how the water will flow off of the driveways and not create any increase. She also stated that the fencing on the other project is not complete. She asked if there will be a conservation easement on this property so that they will be no changes in grading or anything in the future. She also questioned how the curtain drain will satisfy the wetlands regulations as far as a zero increase. She did not feel that this would be an improvement for the entire watershed area.

Mr. Rotondo stated that curtain drains are not usually considered in storm water calculations are considered for zero increase. Mr. McEvoy stated that if the curtain drain only picks up ground water you are talking about a rate of flow that is really insignificant compared to what surface water runoff rates are during a large storm event. He stated that is if the curtain drain is designed so that it only collects ground water and no means for surface water to come in.

Mr. Birtwell asked about ledge on the property. Mr. Rotondo stated that they did test pits and did find ledge in one corner of the site and other than that there was just small areas of ledge and it varies in depth. Mr. Britwell asked about springs. Mr. Rotondo stated that they did not notice any springs but will look into it.

Atty. Thomas stated that the drainage report was submitted and it indicates no increase and this will be reviewed by Mr. McEvoy. Mr. Columbo stated that the Agency does not want to see water runoff going toward the neighbors.

Mr. Dinice stated that the calculations look at the overall site. He stated that the issue here is that while there may be a reduction the water coming off of the driveways may impact on the neighbor's property. He stated that this will have to be looked at.

Mr. McEvoy stated that he has not had a chance to review the revised plans. He also stated that they did address some of the comments in his review letter. He also stated that when it comes to the drainage analysis on this site there has been very little in the way of existing condition plans that have been provided. He stated that he does not have a map or anything to verify what has been provided. He stated that he would like to have that information before commenting. He stated that while it is a zoning issue he does have some concerns with the how the lot configurations conform to zoning regulations. He stated that the house on Lot 4 is much larger than the other houses proposed and if this house were the same size it could be located outside of the review area. He stated that with regard to the curtain drain his concern was that it being 7' below ground and adjacent to the wetlands. He was a little confused about this. He stated that the split rail fencing and wetland markers are something that the board needs to discuss. Mr. Columbo stated that he would like to see where they are proposing to put the fencing and the wetland markers. Attorney Thomas stated that it will be on the wetlands boundary. Mr. Birtwell asked why there were no catchbasins on John Street. Mr. McEvoy stated that he would have to look into that and the history of what has been done in that area.

A motion to continue the public hearing to the November meeting was made by Mr. Dinice, seconded by Mr. Birtwell and carried unanimously.

8a. Engineering Fees: Milone and MacBroom, Inc. Invoice #57233

Mr. Birtwell moved that Invoice #57233 in the amount of \$390.00 be paid. The motion was seconded by Mr. Dinice and carried unanimously.

8b. Tom DeGennaro, 30 Derby Neck Road, possible foreign matter in brook/stream/pond on his property. D.I.W.A. conducted on-site inspection on Wednesday, September 28, 2011.

Mr. Columbo stated that he received a call from Tom DeGennaro regarding a soapy foam coming from above into the pond on his property. Mr. McEvoy stated that he did a site walk and walked up from Mr. DeGennaro's property along the stream and did not see any evidence or source of the soap. Mr. Columbo stated that he has not heard back from Mr. DeGennaro and will contact him regarding this matter.

A motion to adjourn was made by Mr. Dinice, seconded by Mr. Birtwell and carried unanimously. The meeting was adjourned at 9:10p.m.

ATTEST:

Maryanne DeTullio

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