

**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**

**December 14, 2011  
(Meeting Taped)**

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, December 14, 2011 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, Paul Padilla, Paul Dinice and Roger Birtwell. Also present was Ryan McEvoy, Milone & MacBroom.

Additions, Deletions, Corrections to the Agenda

Mr. Birtwell moved to add to Item 9a Invoice #57947 and #57949. The motion was seconded by Mr. Padilla and carried unanimously.

Approval of Minutes

A motion to approve the minutes of the November 9, 2011 meeting was made by Mr. Birtwell, seconded by Mr. Padilla and carried unanimously with Mr. Dinice abstaining.

Public Portion

There was no one from the public wishing to speak.

8. Walgreen Eastern Company, Lawrence Brozek-applicant. APPLICATION #11110901 – Seeking permission to redevelop an existing commercial site in which NO REGULATED ACTIVITIES are proposed on Lot #17, Tax Map #7-10 & #7-12 at 60 Pershing Drive.

Ray Gradwell, BL Companies was present for the applicant. Mr. Columbo noted that an updated site map and letter dated 12/08/11 were submitted. Also submitted were an updated project design report and response letter.

Mr. Gradwell stated that the property is located at the corner of Pershing Drive and Division Street. They are proposing to demolish a portion of the existing shopping center and build a new Walgreen's on the corner. They have redesigned the drainage system in the parking lots. They are currently all failing and do not meet State standards. Mr. Gradwell stated that they have reviewed the comments from Milone and MacBroom and can comply with all of them. He stated that he has submitted a memo dated 11/29/11 from the soil scientist indicating that there are no wetlands on the site.

Mr. McEvoy stated that he has reviewed the storm drainage and soil and erosion controls. He wanted more information on larger storm events. He stated that right now there is flooding on the site. They are proposing large infiltration measures and he wanted to see how that would perform. He has some minor concerns about some of the features. He stated that there are still some concerns but those items can be reviewed under the P&Z process.

Mr. Columbo stated that this is a good application and he felt that there was enough information to make a decision. It will be a declaratory ruling as there is not a major impact.

Mr. Birtwell moved on November 9, 2011 Walgreens Eastern Co., Inc. (Applicant) submitted an application No. 11110901 which proposed no direct impacts to wetlands or watercourses and no activities within the 50' regulated upland review area and therefore in accordance with Section 11.10 will require a Declaratory Ruling.

Therefore, the Agency moves to approve Application No. 11110901 as presented and shown on the following documents submitted in support of the application:

1. Derby Inland Wetlands Agency application.
2. Statewide Inland Wetlands and Watercourses Activity Reporting Form.
3. Report entitled "Project Design Report, for the Proposed Walgreens Pharmacy, located at: Pershing Drive and Division Street, Derby, Connecticut", dated November 1, 2011 prepared by BL Companies.
4. Plans entitled "Walgreens Derby, CT, Site Redevelopment, Inland Wetland & Watercourse Commission Plans", dated 6/1/11 (unless otherwise noted) prepared by BL Companies, with the following plans attached:
  - a. "V-100, Alta/Land Title Survey", dated 3/18/11 at a scale of 1"=40'
  - b. "C-100, Site Plan", at a scale of 1"=40'
  - c. "C-101, General Notes", not to scale
  - d. "C-110, Grading and Drainage Plan", at a scale of 1"=40'
  - e. "C-111, Site Utilities Plan", at a scale of 1"=40'
  - f. "C-112, Sedimentation and Erosion Control Plan", at a scale of 1"=40'
  - g. "C-113, Sedimentation and Erosion Control Notes", not to scale
  - h. "C-200, Demolition Plan", at a scale of 1"=40'
  - i. "C-510, Civil Engineering Requirements & Detail Sheet", at varying scales
  - j. "C-520, Accessible Parking Data", at varying scales
  - k. "C-530 Compactor Details", at varying scales
  - l. "C-540, Detail Sheet", not to scale
  - m. "C-550, Detail Sheet", not to scale
  - n. "C-560, Detail Sheet", not to scale
  - o. "C-710, Truck Turning Radii", at a scale of 1"=20'
  - p. "C-720, Accessible Grading Plan", at a scale of 1"=10'
  - q. "L-100, Landscape Plan", at a scale of 1"=40'

r. "E-101, Site Photometric Calculations and Details", at a scale of 1"=40'

5. Review letter from Milone and MacBroom to Frederick Columbo dated 12/9/11
6. Memorandum from BL Companies regarding Wetlands and Watercourses Investigation dated 11/29/11.
7. Letter from BL Companies to Frederick Columbo dated 12/13/11.

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 installation of all sediment and erosion control measures indicated on the above referenced plans completed by a qualified party and verified as complete by the City Engineer and/or Wetland Enforcement Officer.
4. 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 with 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.
5. The final location and size of storm drainage piping and infiltration systems shall be reviewed and approved by the City Engineer.
6. Per Section 18.5 of the Regulations, the DIWA approves the application as a Declaratory Ruling and the applicant shall pay a fee of \$25.00 to the City of Derby Finance Office.
7. 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.

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

7. Continue 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 continue the public hearing was made by Mr. Dinice, seconded by Mr. Birtwell and carried unanimously.

Attorney Dominick Thomas was present for the applicant and stated that evidence was presented at the last public hearing from the soil scientist that the proposal would have no negative impact. He stated that the applicant has decided to address some of the concern that were presented. The plans have been revised and they were reviewed by the soil scientist and there will now be less disturbance. Atty. Thomas presented a packet that showed the initial plan with the approximate location of the regulated area and the revised plan which has a substantial reduction. There is no disturbance of the wetlands. The proposed house on Lot 4 has been reduced in size. There was a comment in the Milone and MacBroom review letter regarding the area of the wood chips and that it should be cleaned up. They are willing to clean up this area. Atty. Thomas noted that Item #4 in the review letter is not an issue for this Commission as well as Item #11 regarding the drainage from the driveways.

Atty. Thomas stated that Comment #12 regards a large area of wetlands in the rear of the parcel which have been impacted by the previous use of the parcel. Atty. Thomas stated that he went to the site and the area has cut brush. The soil scientist commented that this area could be cleaned up and topsoiled and seeded. They would not be doing anything in the wetlands but if requested of them that would clean up the areas. They would remove the stumps and any cut logs and piles of brush. The previous owners filled in the wetlands and nothing that this applicant is doing will impact the wetlands. Atty. Thomas noted that the soil scientist had commented that this is a low functioning wetlands.

Jim Rotondo stated that the drawings have been revised in response to Mr. McEvoy's comments. He stated that they addressed several comments in the first public hearing. He stated that on Lot 4 the footprint has been reduced and the house will now have a front loading garage and the changes that have been made removing any encroachment. He stated on Lot 1 the house is located close to the front yard setback so that it is the maximum distance from the wetlands. It is not feasible for a front loading garage, so they are still proposing a side loading garage. The area within the upland review are the driveway area construction. Mr. Rotondo stated that they also had discussions regarding the proposed curtain drain to the rear of the house on Lot 1. The proposed house will not have a full basement and have reduced the depth of the curtain drain to a maximum of 3 feet which is in concurrence with Mr. McEvoy's suggestion. He stated that there were discussions at the last hearing about drainage coming off of the driveways. He stated that they have been looking at addressing that and will be doing some additional test pits. He stated that anything that will be done to resolve that issue or to relieve that runoff will be outside of any regulated area. He stated that anything proposed will be reviewed by Mr. McEvoy.

Mr. McEvoy stated that he had some concerns about the drainage calculations. He completed his review of the drainage design and agrees that the proposed activities will not result in an increase in runoff for a large storm event. He stated that he did have a concern about smaller storms and having the driveways draining directly onto John Street. He stated that he had concerns about the size of the house and driveway on Lot 4 and it seems that they have shrunk the house down and the impact has been diminished.

Mr. McEvoy stated that he did have concerns about the depth of the curtain drain on Lot 1 and they have now proposed a depth of 3 feet which will not impact the wetlands. He stated that at some point activities occurred and this would be an opportunity for the applicant to make some improvements. Mr. Columbo stated that he thought it would be a good idea to clean up and enhance the area. He stated that he did not want to see it left alone. Atty. Thomas stated that they are proposing to topsoil and seed the area with a wetland mix. The machinery and sheds that are on the property now will be removed. He stated that this area is out of the way of the houses. The homes are downgraded from the wetlands. There is no impact on the wetlands and both areas are relatively low functioning wetlands. There was a discussion regarding the cleaning up of this area and Greg Fields, applicant stated that it will be cleaned up.

Mr. R otondo stated that there will not be any impact on the wetlands and anything done will be out of the upland review area.

Mr. McEvy stated that he understands the concerns of the neighbors and they have had discussion on how to handle the runoff from the driveways. He agreed that this is not a wetlands issue and the proposal will not result in any increase in runoff from larger storm events. He was not sure about smaller storm events but that is something that will be looked at with them. He stated that he was comfortable that they can come up with a solution that is practical.

Mr. Columbo asked for any public comment.

Drew Perry, 27 John Street stated that he was happy that they are talking about trying to mitigate water from the driveways. He felt that the wood chips are closer to the barn. He stated that water runs quite freely during rain and the field is usually wet. He also felt that there is ledge there and did not know if there are channels that will be disturbed.

Mr. Columbo asked if they anticipate any blasting and Greg Field stated that they are not sure but hopefully will not have to blast. He stated that there is more runoff because there is no grass there now. He felt that what they are proposing is better than what is there now.

Karen Kemmesies, 25 John Street stated that water has been coming off of that property for a long time. She felt that it is an intermittent watercourse and is very concerned about the water runoff. She asked if they will be putting up any fences and Mr. Columbo stated that will be discussed further. Mrs. Kemmesies felt that the Agency needs to make sure that the work being proposed does not alter the flow and

does not redirect the water. She asked about the proposed curtain drain on Lot 1 and Mr. Rotondo explained that it is the same length and distance from the house but it will be seeded over the top and the main purpose is for water protection of the basement.

Mrs. Kemmesies stated that they are proposing to add houses with roofs and impervious surfaces and driveways and satisfied with no increase in runoff from a major storm. Mr. McEvoy stated that right now there are gravel areas which will be seeded. He stated that right now there would be no increase in runoff from large storm events but his concern is with smaller events and the applicant has stated that they are willing to work toward a solution for that. This is something that will be discussed in the Planning & Zoning review.

Mrs. Kemmesies stated that she feels that there are impacts and hopes that they are taken into consideration. It seems that they are putting a lot on this property and it will have a negative impact on her property and neighboring properties. She stated that they are talking about making areas into grass areas. Mr. Rotondo stated that would slow any runoff coming down.

Mr. Columbo asked about the location of the fence and Mr. McEvoy stated that they should discuss what is appropriate for this subdivision. It will ultimately be the responsibility of the homeowners. He stated that it could be a split rail fence. Mr. Columbo stated that the members need to review what was presented this evening and also should think about the fence location.

Mr. McEvoy stated that he will continue discussing with the applicant the runoff from the driveways but did not see any reason to keep the public hearing open. Atty. Thomas stated that they recognize the issues are prepared to continue to address them.

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

9a. Engineering Fees: Milone and MacBroom, Inc. for the City of Derby Invoice #57947 and #57949.

Mr. Birtwell moved that the invoices from Milone and MacBroom be paid. The motion was seconded by Mr. Padilla and carried unanimously.

9b. City of Derby, Proposing to conduct a non-regulated activity on Lot #1 on the Access Road leading into the former D.O.T. site between Division Street/Route #34.

Mr. Columbo stated that he spoke with Dave Kopjanski and Sheila O'Malley about this. The City now want to build the road and use the area for rock crossing activity for the road construction. Mr. Dinice moved that this requires an application for the Agency's review. The motion was seconded by Mr. Padilla and carried unanimously.

A motion to add Item 9c – adoption of meeting schedule for 2012 was made by Mr. Padilla, seconded by Mr. Birtwell and carried unanimously. A motion to adopt the meeting schedule for 2012 – meeting on the second Wednesday of each month at 7:00 p.m. was made by Mr. Birtwell, seconded by Mr. Dinice and carried unanimously.

A motion to adjourn was made by Mr. Birtwell, seconded by Mr. Padilla and carried unanimously. The meeting was adjourned at 8:55 p.m.

ATTEST:

Maryanne DeTullio

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