

**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**

**January 11, 2012  
(Meeting Taped)**

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, January 11, 2012 at Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby. This meeting was called to order at 7:00 p.m. by Chairman Fred Columbo.

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

Additions, Deletions, Corrections to the Agenda

Chm. Columbo stated that on Item #7, the approval date should be changed to 2/11/2009 and also add Application #09011401 which was approved with nine stipulations. A motion to make those changes and additions was made by Mr. Birtwell, seconded by Mr. Padilla and carried unanimously.

Approval of Minutes

A motion to approve the minutes of the 12/14/11 meeting was made by Mr. Birtwell, seconded by Mr. Padilla and carried unanimously.

Public Portion

There was no one from the public wishing to speak.

7. City of Derby – applicant. Sheila O'Malley – agent, seeking modification of the D.I.W.A. approval of February 11, 2009 – Application #09011401, with nine stipulated conditions, application of the Access Road construction on Lot #20B, Tax Map #7-10 and Lot #1, Tam Map #7-9, Division Street.

Sheila O'Malley, 37 Booth Avenue, Watertown, stated that the City of Derby is seeking the use of a temporary rock crushing operation in the construction of 1800 linear feet of road into the former DOT site off of Division Street. She stated that all activities will take place outside of the 50' buffer area.

Fred Clark, DeCarlo & Doll presented a map of the area showing where the rock crushing operation will be done. Mrs. O'Malley stated that 15,000 yards need to be removed so that the road could be put in. There will be one rock crusher which could be located in two different locations. The material could be used as fill for the roadway. There will be a water truck on site at all times. This operation will be temporary and is needed just to clear the roadway so that it could be built.

Chm. Columbo stated that the Agency's main concern is the protection of the wetlands and it is important to have the water truck on the site at all times. Mr. Dinice asked if there was a lot of ledge where the road is going to be and Mrs. O'Malley stated that there is.

Mr. McEvoy stated that this operation will not encroach any further and could be approved without modifying the original approval. This will not increase or change the original approval. Chm. Columbo stated that he did not see the need for an official application. The original stipulations still apply to this project.

Mr. Padilla moved that based upon information provided by the permittee and their engineer, the proposed use of a rock crusher for the purposes of constructing road base material does not require a modification to Application #09011401. The placement of the rock crusher does not change any regulated activities permitted under Application #09011401. Please note that nine conditions of approval for Application #09011401 still apply. This determination shall be based on the following document submitted by the permittee:

"Material Processing Plan, Commerce Park – Access Drive, Derby, Connecticut", dated December of 2011, at a scale of 1"=40'

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

8. BAMF Homes, Ltd, Inc., Carl DeCarli- applicant. Application #11111401 – 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 #3-2 at 16 John Street..

Chm. Columbo stated that the public hearing on this application was closed at the December meeting. He stated that some of the major issues were the impact that two lots would have on the buffer area. He also stated that the applicant made improvements to the curtain drain on Lot 1 and the house has been repositioned and made smaller. He also stated that he was concerned with the area with the wood chips on Lot 4 and a portion of Lot 5 and wanted to make sure it was cleaned up. He stated that when construction will begin the applicant will have to come back for the two homes in the buffer area with specific applications to be reviewed and approved. Mr. McEvoy stated that it is not uncommon to review specific site plans just to make sure that they

comply. They will have to come back with specific site plans and architectural drawings for Lot 1 and Lot 4. Mr. Padilla stated that the applicant and their attorney had indicated that they were willing to clean up the area with the wood chips. Mr. McEvoy stated that their soil scientist did recommend a variety of seed mixes that could be used in that area.

Mr. McEvoy stated that there was some discussion on the fence and the Agency needs to determine where it should be located and at what distance. Mr. Padilla suggested that could be done when they come back with specific applications. Mr. Dinice felt that it was appropriate to make that determination now and suggested that it be placed right outside the boundary of the wetlands. Mr. Columbo asked about the spacing of the wetland markers and Mr. Dinice felt that every 25' was appropriate. Mr. Dinice asked about the driveway drainage situation and Mr. McEvoy stated that he looked at some test pits and felt comfortable that they are working toward a solution.

Mr. Birtwell moved that the City of Derby Inland Wetlands Agency (DWA) 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 September 2, 2011 BAMF Homes, Ltd (Applicant & Owner) submitted an application #1111401 for activities within 50 feet of the wetlands and watercourses and other upland areas adjacent to the wetlands. The activities are associated with the creation of five building lots for the construction of 5 new residential homes.
2. A Wetland Delineation Report has been prepared which identified the existing site conditions.
3. 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.
4. There will be a total of 3,225 sf (0.07 acres) of disturbance within the 50' regulated upland review area for the purpose of constructing two single family homes, and driveways and an additional 13,360 sf (0.31 acres) of establishment of lawn in previously disturbed areas. There will be a total of 4,300 sf (0.10 acres) of wetland restoration in previously disturbed wetlands. The wetland restoration will consist of the placement of topsoil and seed mix as specified by the soil scientist.
5. A public hearing was determined to be needed for public interest conducted in accordance with the Section 10.3 of the Regulations and Connecticut State Statutes. There were no direct impacts to wetlands other than the proposed restoration efforts in

previously disturbed wetlands areas.

6. 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.

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, Agency members and the general public during the public hearings held on October 12, 2011 and December 14, 2011.

Therefore, the Agency moves to approve Application No. 1111401 with modifications as presented and shown on the following documents submitted in support of the application:

1. “Purpose and Description of Activity,” dated September 1, 2011, revised to December 8, 2011.
2. List of property owners – within 150 feet of the subject parcel.
3. “Soil Investigation Report, 16 John Street, Derby, Connecticut,” prepared by Soil and Wetland Science, LLC, dated May 19, 2011.
4. Statewide Inland Wetlands & Watercourses Activity Reporting Form.
5. “Site Engineering & Drainage Report,” prepared by BAMF Homes, Inc., prepared by Rotundo Engineering, LLC, dated September 1, 2011, revised to October 10, 2011.
6. Plans entitled “5-Lot Residential Subdivision, 16 John Street, Derby, Connecticut” with the following attached drawings:
  - a. “Sheet SP-1, Site Development Plan,” prepared by Rotundo Engineering, LLC, dated August 15, 2011, revised to December 8, 2011, and drawn at a Scale of 1”=30’.
  - b. “Sheet SP-2, Erosion and Sedimentation Control Details and Notes,” prepared by Rotundo Engineering, LLC, dated August 15, 2011, revised to December 8, 2011 and drawn at a scale of 1”=30’.

- c. "Sheet SP-3, Erosion and Sedimentation Control Details and Notes," prepared by Rotundo Engineering, LLC, dated September 1, 2011, revised to December 8, 2011, and drawn at varying scales.
7. Plan entitled "Survey of Property, 16 John Street, Prepared for Carl DeCarli, Derby, Connecticut", dated May 23, 2011, revised to November 7, 2011, scale 1"=30', prepared by Cadespoti & Associates P.C.
8. Letter from Milone and MacBroom dated October 3, 2011.
9. Letter from Milone and MacBroom dated November 23, 2011.
10. Letter from Soil & Wetland Science, LLC dated December 14, 2011.

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 stipulations also apply:

1. The applicant shall construct a split rail fence 5' from the southern boundary of the edge of the wetland corridor connecting the fence from 5' outside wetlands Flag #SWS8 to 5' from wetlands Flag #SWS26.
2. The applicant shall place medallions prescribed by the DWA at intervals of no less than 25' on fence posts along the split rail fence required in Condition #1.
3. Prior to issuance of a building permit on Lots 1 or 4, Lots 1 and 4 shall require individual site plan review and approval by the Derby Inland Wetlands Agency. The site plan review shall incorporate the specific location of the houses using actual architectural footprint to be built on the Lots.
4. 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. Written confirmation that the deed of the property references the regulated areas on site and the stipulated conditions of this approval.

- c. The proper installation of all sediment and erosion control measures indicated on the above referenced plans.
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 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 0.5 inches or greater and until the City of Derby determines that inspections are no longer required.
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. Per Section 18.5 of the Regulations, the DIWA approves the application as a summary ruling and the applicant shall pay a fee of \$125.00 to the City of Derby Finance Office.
13. 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.

14. Restoration of areas depicted on the property survey as disturbed with wood chips shall be topsoiled and seeded with one of the seed mixes suggested by Otto Thiel in his letter dated December 8, 2011.

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

Discussion of new and old business brought before this Agency:

- a. Engineering Fees: Milone and MacBroom, Inc. for the City of Derby.

A motion to approve payment of Invoices Nos. 58237 and 58238 from Milone and MacBroom was made by Mr. Birtwell, seconded by Mr. Padilla and carried unanimously.

A motion to adjourn was made by Mr. Birtwell, seconded by Mr. Padilla and carried unanimously. Chm. Columbo adjourned the meeting at 7:45 p.m.

ATTEST:

Maryanne DeTullio

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