

DERBY, CONNECTICUT 06418

Frederick J. Columbo, Jr., Chairman
68 Seymour Avenue
Derby, Connecticut 06418

Philip Marcucio
Paul Dinice, Jr.
Paul Padilla
Roger Birtwell
Nelson Cummings – Alt.
Daniel Sexton – Alt.

August 8, 2012
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, August 8, 2012 at Aldermanic Chambers, 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, Philip Marcucio and Roger Birtwell. Also present was Ryan McEvoy, Milone & MacBroom.

Additions, Deletions, Corrections to the Agenda

There were no additions, deletions or corrections to the agenda.

Approval of Minutes

A motion to approve the minutes of the July 11, 2012 meeting was made by Mr. Birtwell, seconded by Mr. Padilla and carried unanimously.

Public Portion

Dan Waleski, 21 Elm Street, stated that there are many poor drainage systems in the City and felt that the Commission should review the regulations and tighten them up so that problems don't occur. Mr. Columbo stated that the regulations are upgraded whenever the State issues new regulations.

7. John M. Guedes – Applicant – APPLICATION #12071101 – seeking permission to conduct a regulated activity: to construct one single family house on Lot #16-A, Tax Map #11-8, on Derby Neck Road.

Chm. Columbo stated that an updated map has been submitted which addresses some of the concerns raised at the last meeting. Mr. McEvoy stated that he was concerned with the proximity of the driveway to the next parcel but it has been shifted away. He also stated that this is very similar to the plans approved in 2000.

Mr. Birtwell 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 13, 2012, John Guedes (Applicant & Owner) submitted an application No. 12071101 for activities within 50 feet of the wetlands and watercourses and other upland areas adjacent to the wetlands. The activities are associated with the construction of a single family residential home, driveway and septic system. The proposed driveway is approximately 350 feet in length.
2. This plan is substantially similar to a plan approved by the DIWA in June of 2000.
3. Off-site wetlands have been delineated by Soil Science and Environmental Services in May of 2012.
4. The project proposes to mitigate increases in runoff from the proposed house and driveway with infiltration galleries.
5. There will be no direct impacts to the wetlands.
6. There will be approximately 2,000 sf (0.045 acres) of disturbance within the 50' regulated upland review area for the purpose of constructing the driveway, sediment and erosion controls, and lawn areas.
7. That this application is not a "significant activity" in accordance with the definition of "significant activity", specifically subsections 6 and 8, as found in the Regulations of the DIWA and will require a summary ruling.
8. The lot is to be served by private well and subsurface sewage disposal system.
9. Sedimentation and erosion control measures have also been incorporated into the design including sediment filter fence and stabilized construction entrances.
10. Information was provided by the Applicant, City staff, and Agency members during the regularly scheduled meetings held on July 11, 2012 and August 8, 2012.

Therefore, the Agency moves to approve Application No. 12071101 with modifications as presented and shown on the following documents submitted in support of the application:

1. City of Derby Inland Wetlands Agency – "Application for Permission to Conduct a Regulated Activity within an Inland Wetland or Watercourse Area in the City of Derby".
2. Statewide Inland Wetlands & Watercourses Activity Reporting Form.
3. Adjacent Property Owners.
4. Soils Consulting Services (Henry T. Moeller) soils report dated December 13, 2005.
5. Map entitled "Sketch of Proposed Subsurface Sewage Disposal System for Parcel 3, Charles Mandela Sr." dated January 17, 2000, revised to June 12, 2011 at a scale of 1" = 40', prepared by D'Amico Associates.

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. 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 and/or Wetland Enforcement Officer:
 - a. Prior to any clearing or earthmoving activities, the accurate staking and/or flagging of all clearing limits, pertinent limits of the 50 foot regulated upland review area shall be performed.
 - b. The proper installation of all sediment and erosion control measures indicated on the above referenced plans and the conditions of approval.
2. 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.
3. All disturbed areas on the site not directly required for construction activities shall be temporarily hayed and seeded until permanent vegetation is established.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.

9. 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.

10. 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.

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

8. James A. Butler – Applicant. APPLICATION #12080801 – seeking permission to conduct a regulated activity: Proposing to work in a regulated area, the upper Witek Park fishing area on Prindle Avenue, Lot #22, Tax Map #6-10, refers to Map #5-8, land owned by the City of Derby, for his Boy Scout project, and Eagle Scout project.

James R. Butler, 12 Prindle Avenue, stated that he was in attendance on behalf of his grandson, James A. Butler who is away on a boy scout trip. He stated that this project has been approved by the Mayor and will be presented to the Board of Aldermen. Mr. Columbo stated that the Agency will need a letter from them granting permission to come before this Commission. He reviewed the application with the description of the project and plan showing the areas that will be affected. Mr. Butler stated that the original plan was to put in picnic tables but there is a problem with vandalism. He will put in mafia blocks so that people can use them for their equipment when fishing. He also is proposing to replace the fence which has rotted away. He will use the same posts. The new sign will be the same size as the existing one. A small amount of fill will be used on the front part so nothing will wash into the water. He also submitted pictures of the area.

Mr. Columbo stated that a workbook of the Eagle Scout project was also submitted. He stated that this will be on the Board of Aldermen agenda and he will contact them regarding the project. Mr. Butler stated that this is part of his grandson's leadership program and he will also be organizing and getting other scouts involved in the project. He has done some fundraising and there will be no expense to the City. Mr. Columbo stated that it will be on next month's agenda.

10. BAMF Home Limited – Applicant, Dominick Thomas, agent. Seeking permission to Modify an Approved Application #11111401, with stipulated conditions, proposing construction of 5 single family homes on Lot #13, Tax Map #3-2 on property on 16 John Street.

Jim Rotondo was present for the applicant. Mr. Columbo stated that this is a modification of an approved application and the main change is the location of the homes. He stated that the impact to the wetlands has been reduced. He also stated that a revised map and site plan were submitted.

Mr. Rotondo stated that this is a modification of the original approval of the five lot subdivision. The original plan had three homes in front on John Street and two flag lots. He stated that on Lot 1 a portion of the house and driveway were in the upland

review area. Lot 4 a portion of the driveway and house were in the upland review area. The total impact was 3224 s.f. Mr. Rotundo stated that Planning & Zoning suggested that the applicant look at relocating the homes. The modification is for four homes fronting on John Street and one flag lot. The disturbance on Lot 4 has been removed. There are two new lots fronting on John Street and no direct impact. He stated that Lot 1 has approximately 1200 s.f. in the upland review area and Lot 2 has 420 s.f. in the upland review for a total of 1620 s.f. This results in a net reduction of approximately 1600 s.f. All runoff is directed away from the wetlands. He stated that they did test pits within the new Lot 1 and found suitable soils. There is a letter from the soil scientist, who reviewed the new site plan and found that there will be no negative impact. He stated that there is a reduction in disturbance and the modification is consistent with the original approved site plan.

Mr. McEvoy stated that he reviewed the changes during the P&Z process and even though there is a reduction in some of the regulated activities there is now slightly different regulated activities and therefore they needed approval from this Agency on the modification. They are proposing similar drainage and there is a reduction in impervious surface. He also stated that the configuration of the lots is appropriate.

Mr. Columbo stated that there are four lots in the front and Mr. McEvoy stated that there is and he does not see any direct drainage going into the wetlands. Mr. Columbo asked about wetland markers and Mr. McEvoy stated that the original approval indicated where they would be placed. Mr. Rotundo stated that was a condition of approval and has been added to the drawings. Mr. Padilla stated that he would like to see the markers a little closer together. Mr. Rotundo stated that they could be placed on every other fence post on Lots 1 and 2.

Mr. Columbo stated that this is a new configuration of the five homes with a net reduction of impact on the buffer area and no impact to the wetlands area.

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, Agency members and City staff, finds the following:

1. On July 5, 2012, BAMF Homes, Ltd. (Applicant & Owner) submitted an alternate plan to the plans approved in January of 2012 under application #11111401. The alternate plan proposed 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 houses.
2. Application #11111401 was approved in January of 2012 as a five lot subdivision with 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 s.f. (0.31 acres) of establishment of lawn in previously disturbed wetlands. The wetland restoration will consist of the placement of topsoil and seed mix as specified by the soil scientist.

3. The alternate plan as proposed will reduce the 3,225 sf (0.07 acres) of disturbance within the 50' regulated upland review area for the purpose of constructing two single family homes to 1,620 sf (0.04 acres) with areas of wetland restoration and establishment of lawn areas unchanged. Therefore, the DIWA finds that the Alternate Plan as proposed does not constitute a substantial change from the plans approved in January of 2012.

4. The project proposed 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 existing from the property are at or below the predevelopment conditions in accordance with Section 6.4 of the Regulations.

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

6. Information was provided by the applicant, city staff, and Agency members during the regularly scheduled meetings held on July 11, 2012 and August 8, 2012.

Therefore the Agency moves to approve the alternate plan as an amendment to approval #11111401 with modifications as presented and shown on the following documents submitted in support of the alternate plan:

1. Letter from Dominick Thomas to Chairman Columbo dated July 5, 2012 with Site Wetland and Regulated Area Summary from the Original Proposal, and Site Wetland and Regulated Area Summary for the Revised Lot Configuration.

2. Letter from Soil & Wetland Science, LLC to Dominick Thomas dated June 19, 2012.

3. Statewide Inland Wetlands & Watercourses Activity Reporting Form.

4. 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 June 15, 2012, and drawn at a scale of 1"= 30".

5. Summary of Modifications, dated August 8, 2012.

If the Alternate Plan is to be filed on the Derby Land Records as a subdivision, the following conditions from the January 11, 2012 approval shall be amended as follows: activities proposed on this plan shall conform to all conditions of approval from January 11, 2012, with the following revision to conditions #2 and 3:

2. The applicant shall place medallions as prescribed by the DIWA at intervals no less than 25' on fence posts along the split rail fence as part of Condition 1 for proposed lot 5. Along Lots 1 and 2 medallions shall be placed on every other post along the fence as described in Condition 1.

3. Prior to issuance of a building permit on Lot 1 or 2, Lots 1 and 2 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 footprint to be build on the Lots.

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

9. Continue a Public Hearing for: Singer village, Mark Nuzzolo – Applicant; APPLICATION #12050901 – seeking permission to conduct a regulated activity: proposing an 8 lot subdivision, to construct 7 single family homes on Lot #40, Tax Map #4-3 on property at 401 David Humphreys Road.

Mr. Marcucio recused himself from hearing this matter. A motion to reopen the public hearing was made by Mr. Birtwell, seconded by Mr. Padilla and carried unanimously.

Mark Nuzzolo stated that they will address issues in the Milone & MacBroom review letter.

Alan Shepard stated that some of the comments in the letter pertain to drainage and calculations. There was also a comment about the soil types. He stated that the construction detail sheet has more detail of the pond area. He stated that they are proposing to drill through the pool and have an outlet structure put in. This will go allow drainage to go through the pool into the refurbished outlet structure. The stormwater will be controlled by the drain pipe.

Mr. McEvoy stated that they are taking advantage of a current structure on the property; and by opening up a hole in the pool they will guarantee that they have enough storage which will result in no detrimental flow to the Lowe's property.

Mr. Nuzzolo presented pictures of what they anticipate the basin to look like. The materials that they will use will replicate the existing conditions. They will collect the water, treat it and put in back in the ground. Mr. Shepard stated that this will be an enhancement to the area and will be more environmentally friendly and attractive.

He stated that on Lot 2 the building is 25' from the wetlands. It will have a walk out from the rear and there will be minimal work and no grading in the back. The construction can be achieved without an impact o the wetlands. He stated that they will not be filling any wetlands and will be offering a lot of mitigation. They will be taking the area that was part of a lawn and bringing it back to life. The grass swale will also provide a useful function.

Mr. Padilla asked who will be responsible for the maintenance and what will be done to prevent other things from growing through. Mr. Shepard stated that they will be removing the invasives. It will take a couple of years to develop the project and

hopefully the homeowners will take care of it. There will be a covenant on the deeds regarding maintenance. Mr. Nuzzolo stated that there will be restrictions and covenants which will be included. He stated that they want to develop so that the homeowner is encouraged to maintain the areas. They are going to try and incorporate the landscaping as an amenity. There will be an association and the goal is to enhance the area. Mr. Shepard stated that he does not feel it will have a negative impact.

Mr. Columbo asked about a wetlands replanting plan. Bruce Morton spoke on the planting materials that they are proposing to use. Mr. Nuzzolo stated that they are planning on using native species and making it attractive.

Mr. McEvoy stated that he updated his comment letter with one dated August 8, 2012 and read it into the record.

Mr. Columbo asked for any public comment on the application.

Dan Waleski, 21 Elm Street asked if copies of the plans were available in City Hall and Mr. Columbo stated that they are. Mr. Waleski stated that this is a major project for the City. He stated that it is a significant project and should be looked at carefully. He stated that the Agency should make sure that it is in harmony with the area.

Karen Kemmasies, 25 John Street stated that they are proposing some dramatic changes and they should comply with today's regulations. She asked how the wetlands areas will be protected.

Mr. Columbo stated that the Agency will require wetland markers be placed on the site. Mr. Nuzzolo stated that the water quality will be enhanced and there will be less water runoff from the property.

Bruce Morton stated that they will be removing the invasive plants and will add plants which will help filter the runoff and be more attractive. He stated that maintenance of the area over the long term is important.

Mr. Columbo stated that he felt that all the necessary information and data has been provided. A motion to close the public hearing was made by Mr. Birtwell, seconded by Mr. Padilla and carried unanimously.

11a. Engineering Fees: Milone and MacBroom, Inc. for the City of Derby.

Mr. Birtwell moved that the following invoices from Milone and MacBroom, Inc. be paid - #60545, #60543, #60544, #60542 and #60541. The motion was seconded by Mr. Padilla and carried unanimously.

Mr. Padilla stated that he was concerned about the condition of the fences and markers that the Agency is requiring and how they will hold up over a period of years. He also wanted to know who was enforcing whether they are in place and people are staying out of the wetlands. Mr. Columbo stated that the Agency could compile a list of approved applications that have the markers and fences as a condition of approval. This can be given to David Kopjanski who is the Wetlands Enforcement Officer.

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

ATTEST:

Maryanne DeTullio

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