

**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  
Nelson Cummings – Alt.  
Daniel Sexton – Alt.**

**September 12, 2012  
(Meeting Taped)**

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, September 12, 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, Paul Dinice, Philip Marcucio, Roger Birtwell and Nelson Cummings, Alternate. 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 August 8, 2012 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.

7. 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. Chm. Columbo stated that Mr. Cummings will act as a regular member for this application and can participate in any discussion but will not vote since he was not present at the public hearings. Chm. Columbo noted that the public hearing was closed at the August meeting. Mr. McEvoy stated that the Agency should have a discussion as to what they would like to have for protection of the wetlands. It could be medallions on posts or medallions on a split rail fence. Mr. Birtwell asked who would be responsible for the maintenance of the property. Mr. McEvoy stated that the applicant has submitted some draft language regarding the maintenance of the landscaping. The maintenance will be the responsibility of each lot owner. Lots 1 and 2 would require the wetlands medallions. Mr. Padilla stated that he was in favor of the split rail fence since he felt it would act as a better boundary market for the wetlands. He stated that if that would be a problem he would be in favor of the medallions on posts.

Mr. Dinice stated that in most cases he would prefer the split rail fence but in regards to this subdivision and the fact that it will be a "green" development he would go with the medallions on posts. He stated that he would hope that the homeowner will maintain the property. Mr. Columbo stated that he is more comfortable with the medallions on posts in his case. The members agreed that wetland medallions on the posts would be required for this subdivision.

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 May 9, 2012, Brookside Development, LLC (Applicant and Owner) submitted an application Nol. 12050901 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 creation of eight building lots and for the construction of seven new residential houses.
2. A Wetland and Soils Evaluation 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 rain gardens and detention basins. 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 5,501 sf (0.13 acres) of disturbance within the 50' regulated upland review area for the purpose of constructing one single family home, drainage piping, detention basins and site grading, with an additional 10,130 sf (0.23 acres) of removal of invasive species within and plantings within the 50' regulated upland area. There will be a total of 6,000 sf (0.14 acres) of wetlands mitigation that will consist of removal of invasive species within the wetlands and subsequent replanting of the wetland corridor. The removal of invasive species will not require machinery or removal of soil other than minor disturbance associated with hand removal.
5. That this application is a "significant activity" in accordance with the definition of "significant activity" as found in the Regulations of the DIWA and will require a Plenary Ruling.
6. A public hearing was held in accordance with Section 10.3 of the Regulations and Connecticut State Statutes. There were no direct impacts to wetlands other than the proposed restoration efforts.
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 July 11, 2012 and August 8, 2012.

Therefore, the Agency moves to approve Application No. 12050901 with modifications as presented and shown on the following documents submitted in support of the application:

1. Adjacent Property Owners
2. Mission Statement
3. Statewide Inland Wetlands & Watercourses Activity Reporting Form
4. "Wetland and Soils Evaluation Report", prepared by Evans Associates, dated August 18, 2012.
5. "Drainage Report, Prepared for: Singer Village, 401 Sodom Lane, Derby, Connecticut" prepared by Nowakowski, O'Bymachow, Kane dated May 9, 2012, revised to July 24, 2012.
6. Plans entitled "Singer Village, 401 Sodom Lane, Derby, Connecticut", prepared by Nowakowski-O'Bymachow-Kane, Associates, dated May 9, 2012, revised to July 24, 2012 with the following attached drawings:
  - a. "Overall Site Development Plan", drawn at a scale of 1"=40'.
  - b. "Subdivision Map", drawn at a scale fo 1"=40'.
  - c. "Soil and Erosion Control Plan – Lot 1 (Sheet 1 of 3)", drawn at a scale of 1"=20'.
  - d. "Soil and Erosion Control Plan – Lots 2, 3, 4, 5 (Sheet 2 of 3)", drawn at a scale of 1"=20'.
  - e. "Soil and Erosion Control Plan – Lots 6, 7, 8 (Sheet 3 of 3)", drawn at a scale of 1"=20'.
  - f. "Driveway and Utility Profile", drawn at a scale of 1"=40'.
  - g. "Sight Line Map – David Humphreys Road", drawn at a scale of 1"=40'.
  - h. "Test Pit Data", not to scale.
  - i. "Detail Sheet (Sheet 1 of 2)", not to scale.
  - j. "Detail Sheet (Sheet 2 of 2)", not to scale.
7. Plan entitled "Landscape Plan, Singer Village", dated June 11, 2012, revised to August 1, 2012, at a scale of 1"=30', prepared by Robert Sherwood, Landscape Architect, LLC.
8. Plan entitled "Landscape Plan Details, Singer Village", dated June 11, 2012, not to scale, prepared by Robert Sherwood, Landscape Architect, LLC.
9. Plan entitled "Regulated Area Map, Prepared for Singer Village, 401 Sodom Lane, Derby, Connecticut", scale 1"=40', dated July 24, 2012, prepared by Nowakowski – O'Bymachow – Kane, Associates.

10. Letter from Milone and MacBroom, Inc. dated July 9, 2012.
11. Letter from Nowakowski, O'Bymachow, Kane and Associates in response to comments from Milone and MacBroom, Inc. dated July 24, 2012.
12. Letter from Milone and MacBroom, inc. dated August 8, 2012.

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 place medallions prescribed by the DIWA at intervals of no less than 25' on 4 X 4 marker posts at a distance of 5' upslope of the wetland boundary from the eastern and northern boundary of the edge of the wetlands to the stone terrace.
2. Prior to issuance of a building permit on Lots 2 or 3, Lots 2 and 3 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.
3. The applicant shall submit a revised engineering report with the minor modification to the computations for the CN values to reflect a 'B' soil condition where an 'A' soil condition was previously used.
4. Prior to any construction activities covered by this permit, the applicant shall have the following items completed by a qualified party and verified as complete by the City Engineer, Corporation Counsel and/or Wetlands 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, proposed plantings within the upland review area and the cost of installing the detention basins on Lot 1, and Lot 7 & 8 shall be filed with the City Clerk. The amount and form of the bond shall be prepared by the applicant 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. The wetland mitigation planting shall occur under the direct supervision of a soil scientist. The wetland mitigation planting and plantings within the upland review area shall be verified as substantially complete by the DIWA or duly authorized representative of the City of Derby prior to the release of the bond for plantings required in Condition #4a.
6. After the completion of construction of the detention basin on Lot 1, the structural engineer shall verify the stability of the existing retaining walls and berm along the south side of the basin. Additionally, the applicant shall submit a final as-built of the detention basins on Lots 1, and Lots 7 & 8 demonstrating that the basins were built in compliance with the referenced documents. Release of the portion of the bond for the detention basins required in Condition #4a shall be conditioned on the above.
7. 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.
8. All disturbed areas on the site not directly required for construction activities shall be temporarily hayed and seeded until permanent vegetation is established.
9. 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.
10. 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.
11. 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, or any other duly authorized representative of the City of Derby.
12. 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.
13. 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.
14. Per Section 18.5 of the Regulations, the DIWA approves the application as a plenary ruling and the applicant shall pay a fee of \$350.00 to the City of Derby Finance Office.

15. 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. Dinice and carried unanimously with Mr. Cummings abstaining.

Mr. Marcucio returned as a regular member and Mr. Cummings will now act as an alternate and will not vote on any remaining items on the agenda.

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. He read an e-mail from his grandson requesting that he represent him at this meeting since he could not attend because of scout and school activities. Mr. Butler submitted a letter from Laura Wabno, Town Clerk, dated 9/8/12 indicating the permission was granted by the Board of Aldermen for James A. Butler to work on his Eagle Scout project at Witek Park. He also submitted a map showing the area that the project will encompass as well as a plan of the proposed project. He stated that the State form has been completed. Mr. Butler stated that originally his grandson was going to put in a picnic table but will now put in "mafia" blocks instead. These can be used as a table or to sit on. Chm. Columbo stated that he would prefer to see the block instead of a picnic table in this area. Chm. Columbo asked if there was any feedback from the Board of Aldermen and Mr. Butler indicated that there was not. Mr. Butler stated that his grandson is planning on starting the project in the spring. Mr. Columbo stated that one condition that he would like have on this application would be that James A. Butler appear before the Agency with pictures of the completed project.

Mr. Birtwell moved to approve Application Nol. 12080801 as a "Summary Ruling" with the condition that the fee be waived in accordance with Section 18.7 of the Regulations and that the applicant attend a meeting of the Agency with pictures of the finalized project. The motion was seconded by Mr. Marcucio and carried unanimously.

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

Mr. Marcucio moved that the following invoices from Milone and MacBroom, Inc. be paid - #60904, #60951, #60544, #60952 and #60953. The motion was seconded by Mr. Dinice and carried unanimously.

A motion to adjourn was made by Mr. Marcucio, seconded by Mr. Padilla and carried unanimously. The meeting was adjourned at 7:45 p.m.

ATTEST:

Maryanne DeTullio

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