

**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.**

**April 10, 2013  
(Meeting Taped)**

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, April 10, 2013 at Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby. This meeting was called to order at 7:00 p.m. by Acting Chairman Paul Dinice.

By roll call members present were Paul Dinice, Paul Padilla, Roger Birtwell and Philip Marcucio. Also present was Ryan McEvoy, Milone & MacBroom. Mr. Dinice stated that Mr. Columbo is ill and he will be acting Chairman for this evening's meeting.

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 March 13, 2013 meeting was made by Mr. Padilla, seconded by Mr. Birtwell and carried 3-0-1 with Mr. Marcucio abstaining.

Public Portion

There was no one from the public wishing to speak.

7. Frank Pepe – APPLICANT, APPLICATION #13021301, seeking permission to conduct a regulated activity – Proposing a two lot subdivision for new residential construction single family dwellings on LOT #133, TAX MAP #3-4, on Ida Avenue and Albert Avenue.

Fred D'Amico, Engineer was present for the applicant. He presented a report from Soil Resource indicating that there has been no changes in the wetlands. Mr. Dinice noted that the only outstanding issue from the last meeting was the updated soil scientist report. Mr. McEvoy stated that he has reviewed the modified plans with respect to his comment letter. They have increased the storm drainage infiltration and modified the slopes.

Mr. Padilla moved that on February 6, 2013, Frank Pepe submitted an application No. 13021301 for activities at property known as Assessor's Map 3-4, Lot 133. The activities are associated with the creation of two building lots for the construction of two new residential houses. The activities propose no direct impacts to wetlands or watercourses and no activities within the 50' regulated upland review area, with the nearest wetlands on the adjacent parcel. Therefore, in accordance with Section 11.11

of the Regulations Protecting the Wetlands and Watercourses of the City of Derby (the Regulations) the application will require a Summary Ruling.

Therefore, the Agency moves to approve Application No. 13021301 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. Adjacent Property Owners.
3. Letter to Fred D’Amico from Soil Resource Consultants regarding Wetland Delineation – JHMK Site – Albert & Howard Avenue, dated May 17, 1999.
4. Letter to Fred D’Amico from Soil Resource Consultants regarding Clarification of Wetland Delineation – JHMK Site – Albert & Howard Avenue dated July 19, 1999.
5. Letter to Fred D’Amico from Soil Resource Consultants regarding Soil Investigation for Wetland Determination – Overlook Estates, dated April 3, 2013.
6. Map entitled, “Record Subdivision Map, E-1” dated 2/1/2013, at a scale of 1” = 40’, prepared by D’Amico & Associates.
7. Map entitled, “Site Development Plan, E-2” dated 2/1/2013, revised to 2/21/2013 at a scale of 1” = 40’ prepared by D’Amico & Associates.
8. Letter from Milone and MacBroom, Inc., dated February 14, 2013.

In addition to the requirements listed in Section 11.9, 11.12 and 11/13 of the Regulations, 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, Director of Public Works, 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 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 \$5,000 of the approved bond shall be submitted in the form of a separate cash bond.
  - b. The proper installation of all sediment and erosion control measures indicated on the above referenced plans.
2. All disturbed areas on the site not directly required for construction activities shall be temporarily hayed and seeded until permanent vegetation is established.

3. After commencement of construction, an inspection of the condition, integrity and adequacy of the sediment 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.
4. 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.
5. 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.
6. The applicant's engineer shall submit a completed Connecticut DEEP Statewide Activity Reporting Form.
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, 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 \$200.00 to the City of Derby Finance Office.

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

8. Louise Salemme – APPLICANT, APPLICATION #13031301 – proposing to construct commercial buildings on LOT #22, TAX MAP #7-10 on 98 Pershing Drive.

John Mancini and Chris Gagnon from BL Companies were present for the applicant. Mr. Gagnon presented a Memo dated 3/20/13 from BL Companies indicating that there are no wetlands on the site. He stated that they are also providing a level of water quality of the water flowing off of the site. The storm drainage map and storm water management system has been revised. There will be a grit separator and hooded catchbasins. There will also be water quality structures at the outlets of the system which will provide scrubbing to the water. Mr. Gagnon stated that drainage

calculations have been provided to the city engineer. He stated that they have addressed the issues raised at the last meeting. The intersection will be re-done and become a four way intersection. Mr. Marcucio asked about runoff from the site and Mr. McEvoy stated that there is a decrease in runoff. Mr. Padilla stated that there were serious issues with drainage at the Walgreens and asked about this site having the same issues. Mr. McEvoy stated that at the Walgreens site the infiltration measures were inadequate and they have incorporated improvements to that area. Mr. Marcucio asked about a maintenance plan and Mr. Gagnon stated that the maintenance plan has been submitted and reviewed by Mr. McEvoy.

Mr. Padilla moved that on February 19, 2013 Louis Salemme (Applicant) submitted an application No. 13031301 for activities located at Assessor's Map 7-10, Lot 22. The activities are associated with the creation of five commercial buildings and parking on an existing commercial parcel. The activities propose 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 of the Regulations Protecting the Wetlands and Watercourses of the City of Derby (the Regulations) the application will require a Declaratory Ruling.

Therefore, the Agency moves to approve Application No. 13031301 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. Plan entitled "Property/Topographic Survey, Land at 98 Pershing Drive, Derby, Connecticut", Scale 1" = 40', dated 10/27/2011 prepared by BL Companies.
4. Plan entitled "Conceptual Site Plan, Proposed Re-Development, 74 & 78 Pershing Drive, Derby, Connecticut", Scale: 1" = 40', dated 2/19/2013, prepared by BL Companies.
5. Plan entitled "Erosion and Sedimentation Control Plan, Proposed Retail Store, Pershing Road, Derby, Connecticut", Scale 1" = 40', dated 2/22/2013, prepared by BL Companies.
6. Plan entitled "Grading and Drainage Plan, Proposed Retail Store, Pershing Road, Derby, Connecticut", Scale 1" = 40', dated 2/22/2013 revised to Prepared by BL Companies.
7. Memorandum from BL Companies regarding Wetlands and Watercourses Investigation dated 3/20/2013.
8. Letter from BL Companies to Frederick Columbo dated 3/12/2013.

In addition to the requirements listed in Sections 11.9, 11/12 and 11/13 of the Regulations, the following stipulations also apply:

1. The applicant's engineer shall submit a completed Connecticut DEEP Statewide Reporting Form.
2. Lack of compliance with any stipulation of this permit approval shall constitute a violation of the Regulations and a cease and desist order shall be issued by the Wetland Enforcement Officer.
3. 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.
4. 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.
5. A contact individual together with a 24 hour phone numb 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.
6. The final location and size of the storm drainage system and sediment and erosion control plans shall be reviewed and approved by the City Engineer.
7. Per Section 18.5 of the Regulations, the DIWA approves the application as a Declaratory Ruling and the applicant shall pay a fee of \$25.0 to the City of Derby Finance Office.
8. 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. Marcucio and carried unanimously.

9. Discussion of new and old business brought before the Agency:

Mr. Dinice stated that he received a call from Raymond Sadlik who requested that he sign off on Lots 2 and 4 at the end of Belleview Drive so that he could obtain building permits. He stated that he discussed this with Ryan McEvoy and Dave Kopjanski and in the original approval Lot 3 had to come back to the Agency for review but with Lots 1, 2 and 4 if there were no changes it could be a sign-off. There was no difference from what was approved and what is being built and Mr. Dinice stated that he signed off.

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 - #63048 and #623181. The motion was seconded by Mr. Padilla and carried unanimously.

Mr. Marcucio stated that he felt that once an application is approved, the applicant should sign a copy of the minutes indicating that he is aware of the conditions of the approval and this should be kept on file.

A motion to adjourn was made by Mr. Padilla, seconded by Mr. Birtwell and carried unanimously. The meeting was adjourned at 7:40 p.m.

ATTEST:

Maryanne DeTullio

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