

**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.**

**June 12, 2013  
(Meeting Taped)**

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, June 12, 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, Roger Birtwell, Philip Marcucio and Nelson Cummings. 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 April 10, 2013 meeting was made by Mr. Marcucio, seconded by Mr. Birtwell and carried 3-0-1 with Mr. Cummings abstaining.

Public Portion

There was no one from the public wishing to speak.

A motion to change the order of the agenda and hear Item #8 first was made by Mr. Birtwell, seconded by Mr. Cummings and carried unanimously.

8. BAMF Homes LTD – Requesting release of bond on APPLICATION #10011301 and transfer that bond for APPLICATION #11111401.

Attorney Dominick Thomas, 315 Main Street, Derby stated that this was a two lot division of the property on John Street. He stated that the development on the right side a bond was posted for certain activities. That work has all been completed. He stated that his client has since received a permit for a five lot subdivision on the other side of the street. He stated that there are bond requirements for that subdivision. He stated that they are asking to have the \$5,000.00 bond transferred for that application. He stated that the bond amount has not been set yet and it could be higher. Mr. McEvoy stated that they reviewed this request and had no problem with it. Mr. Cummings moved to approve the transfer of the bond under Application #10011301 to Application #11111401. The motion was seconded by Mr. Birtwell and carried unanimously.

7. Town Fair Tire Centers of Connecticut, LLC – APPLICANT. APPLICATION #13061201, seeking permission to conduct a regulated activity – Proposing construction of a new Town Fair Tire Store and associated site work including driveway and parking areas, store drainage installation, utility installation and landscaping on LOT #37, TAX MAP#4-3, 480 New Haven Avenue.

Phil Marcucio recused himself from hearing this application and left the meeting. Attorney Dominick Thomas, 315 Main Street was present for the applicant and stated that Town Fair Tire is in the process of relocating their business and are under contract to purchase the property at 480 New Haven Avenue which includes the property in the rear. He stated that the proposed activity applies only to the front lot., which is 480 New Haven Avenue. There is also an application pending before Planning & Zoning which involves moving the B-1 Zone line. He stated that the reason for that is to give more flexibility with the building including the ability to locate the building in such a way to reduce some impacts on Two Mile Brook. He stated that with respect to the report received from Milone & MacBroom, he wanted to clarify a few points in that report. The witness consent form was filed and the DEEP reporting form was also submitted. Atty. Thomas stated that the area to the rear where the detention basin is for Cornfield Estates will be undisturbed. He stated that everything that is back there will be removed. He stated that they had a neighborhood meeting and discussed this project with them. The neighbors will maintain the detention basin which is required by the agreement and they will own title to it. He stated that there is an area of wetlands in the rear which will be left alone to revert back to its natural state. He stated that there is a service road that goes around the basin which will have to be maintained for maintenance of the basin.

Jim Rotundo, engineer stated that the existing detention behind the existing nursery has an outlet pipe and outlet control structure which runs down through the nursery and discharges into Two Mile Brook. This application is for a 7144 s.f. building for Town Fair Tire. He stated that in order to develop this site one of the aspects of this is to relocate that pipe which currently in its existing condition would be under the proposed building. He stated that the driveway into the site will be located where the current driveway into the nursery is located. The building is located centrally to the site with full circulation around. He stated that they are proposing 49 parking spaces around the building. The service bay areas will be located on the side of the building facing Lowe's. He pointed out the 50' upland regulated area. He stated that in order to construct the project there will be activity within that area. He pointed out those areas and stated that what they are requesting is the area of paved parking and drive area which is approximately 5,554 s.f. He stated that the project is basically a cut and fill project. The front of the site will require about 2 feet of fill and will be excavating to the rear of the site. He stated that within the regulated area they are going to require about 273 cubic yards to be placed within the 50' regulated area and to the rear they will be excavating approximately 229 cubic yards. He stated that there will be some additional work around the outside of that parking area which will require some grading, topsoiling and landscaping.

Mr. Rotundo stated that they have a storm water management system design. He stated that the pipe coming through the center of site will intercept the existing outlet from the detention, re-route that pipe around the building and then reconnect to the existing pipe where it discharges to Two Mile Brook. He stated that this will allow them not to have to create another discharge for the system for the relocation of that pipe. The storm water collection system will have several catchbasins throughout the site. There will be a sub-surface storm water detention system in front of the building. He stated that a corner of that detention system will be located in the regulated area which is one of their requests. He stated that they have to submit their final drainage report to Milone & MacBroom and have completed that for the design of this system and have a reduction of flows from the two through one hundred year storm events into Two Mile Brook. There is a second discharge point which also has a zero increase in flows at that point.

Mr. Birtwell asked about the circulation on the site and Mr. Rotundo indicated that at this time they have two way circulation. Mr. Rotundo noted that one of the comments from Ryan McEvoy involved the number of parking spaces being provided. He stated that Town Fair Tire was comfortable with the number as far as what their operation will require. He stated that the zoning regulations only require ten spaces which is really unrealistic for this use. He stated that they looked at the ITE parking generation tables and their criteria would be 37 spaces. He stated that they are at 49 spaces based on discussions with Town Fair Tire. He stated that they have discussed this with Mr. McEvoy in ways to possibly minimize some of the pavement and that is something that they can look at.

Mr. Rotundo stated that in the rear there will be a two tired wall system. They are proposing two four foot high walls to make up the grade differential. He stated that the area between walls and the detention basin will not be excavated. He stated that currently there is a driveway that goes up into the rear and there is an existing roadway that circles the detention basin. He stated that they will re-route that along the lower embankment of the basin and will be creating a new driveway up to that area. There will be an easement or right of way for maintenance purposes up through the new access driveway to access that rear area. He stated that this is a business zone abutting a residential zone so they are required to have a 25' landscape buffer along the rear property line. They are also landscaping along the westerly property line.

Atty. Thomas stated that the Agency needs to determine if a public hearing is required. He stated that the only activity is in the upland review area and they do not feel that a public hearing is necessary. He stated that they are actually improving the water quality and drainage. He stated that at the neighborhood meeting the main concerns were with the location of the bays and the detention basin.

Mr. Rotundo stated that old nursery stock will be removed from the rear and that area will be left in its natural state.

Mr. McEvoy stated that in doing his review of the application he noted that the plans do not include delineation of the wetlands. The wetlands limits are shown but they are not based on a soil scientist review. He stated that the Agency could ask for delineation by a soil scientist. He also stated that more information is needed on the oil/water separators and their design. He stated that under the zoning regulations they do not need the 49 parking spaces and could reduce and shrink the area of the parking lot. He felt that this would be a benefit to have the limits of disturbance pulled away from the watercourse. He also stated that he needs to review the storm drainage calculations.

Mr. Dinice felt that it would be important to have the wetlands flagged by a soil scientist. Atty. Thomas stated that they had several work sessions with regards to this application and discussed that issue and it was felt that it was not necessary. He stated that the rear area was looked at several years ago and this has been an active site for several years. Mr. Dinice felt that the wetlands should be flagged and Atty. Thomas stated that they will have that done.

The members discussed whether a public hearing was necessary and Atty. Thomas stated that they have no objection to having the public speak at a meeting. He stated that Planning & Zoning will be conducting a public hearing on the applications.

Mr. Cummings stated that he did not feel a public hearing was necessary but would like to have the wetlands flagged. Mr. Birtwell agreed. Mr. Dinice stated that he does want the wetlands report. Mr. McEvoy stated that Agency does not have to make the decision regarding the public hearing this evening. Atty. Thomas stated that they would prefer to have the public hearing next month so that they can move forward with this application. Mr. Birtwell moved that the Agency schedule a public hearing for public interest at the July 10, 2013 meeting. The motion was seconded by Mr. Cummings and carried unanimously.

9. Discussion of new and old business brought before the agency.

Mr. Dinice stated that a letter was received from Ansonia Planning & Zoning regarding an application for 5 and 19 Pershing Drive for expansion of the Cumberland Farms.

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

Mr. Cummings moved that the following invoices from Milone and MacBroom, Inc. be paid - #63421, #63462 and #63463. The motion was seconded by Mr. Birtwell and carried unanimously.

A motion to adjourn was made by Mr. Cummings, seconded by Mr. Birtwell and carried unanimously. The meeting was adjourned at 7:55 p.m.

ATTEST:

Maryanne DeTullio

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