

**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
David Barboza II
David Rogers
Roger Birtwell**

April 12, 2006
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, April 12, 2006. Chairman Fred Columbo at the Aldermanic Chambers, New 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, Philip Marcucio, David Rogers, Paul Padilla, David Barboza and Roger Birtwell. Michael Joyce from Milone & MacBroom was also present.

Additions, Deletions, Corrections to the Agenda:

A motion was made by Mr. Marcucio to add under Item 9f Public Notice Application from City of Shelton for 117 Indian Wells Road. The motion was seconded by Mr. Padilla and carried unanimously.

Public Portion:

There was no one from the public wishing to address the meeting.

Acceptance of Minutes

A motion to accept the minutes of the March 8, 2006 meeting was made by Mr. Marcucio. Mr. Joyce noted that on Page 4 it should read that he was informed that it may have been done by a previous interested party. It was also noted that on Page 3, the last sentence of the Witek Park report the word meeting should follow April. The motion was seconded by Mr. Padilla and carried unanimously.

7. Pimrose Development, LLC, John N. Guedes - applicant, Joe Pereira - Engineer. APPLICATION #06011101 - seeking permission to conduct a "Regulated Activity"; proposing to convert an existing industrial building into a hotel containing thirty-two (32) suites, a swimming pool, pool house, tennis court, playground and a breakfast room at 253 Roosevelt Drive, Lot #154, Tax Map #10-3.

Atty. P. Gelderman stated that they have submitted the Phase 1 report. Mr. Columbo noted that the report was received and is dated March 24, 2006, prepared by Terrasyn. He also stated that he had received a letter from Atty. Rizio dated March 10, 2006 requesting a

a continuance of the application to the April meeting. Atty. Gelderman noted that the report suggests that a Phase II report be done which would identify whether there is any lead or asbestos on the site. A letter was received from John Guedes dated April 12, 2006 indicating that a Phase II report will be done and copies forwarded to the Agency. It also stated that if the report indicated that there was any contamination, asbestos or lead paint, a plan of remediation, removal and appropriate disposal will be prepared.

Mr. Columbo stated that at the January meeting the Agency stated that they would like a soil test done and that was never received. Mr. Pereira indicated at the February meeting that environmental testing was done and both a Phase I and Phase II report completed. Atty. Gelderman stated that was not done. Mr. Columbo stated that the reports were not received and no one was present at the March meeting to discuss the application. He also stated that the Phase I report has just been received and the members will need time to review it. Mr. Marcucio asked about soil testing for the exterior of the building. Atty. Gelderman stated that by virtue of the age and type of materials used at this site it was recommended that a Phase II report be done. Mr. Pereira stated that they tried to get a copy of the Phase I report that was previously done on this site but were unsuccessful in doing so. They did their own Phase I study which was submitted to the Agency. Mr. Joyce stated that in the conclusion section of the Phase I study it recommends that a Phase II site investigation be done as well as an inspection of the buildings for asbestos and lead paint. Mr. Columbo stated that he has concerns with the site and was led to believe that those reports were going to be done and submitted. Mr. Joyce stated that there are no wetlands soils on this site and any test borings would probably come out of a Phase II report.

Mr. Marcucio moved that on January 11, 2006 Primrose Development LLC (Applicant) submitted Application No. 06011101 for the construction of a hotel on Roosevelt Drive which proposed no direct impacts to or within 50' of wetlands or watercourses and will require a Declaratory Ruling in accordance with Section 11.10.

Therefore, the Agency moves to approve Application No. 06011101 as presented and shown on the following documents:

1. Stormwater Design Report, dated October 2005 and revised January 10, 2006, prepared for St. Vincent dePaul Residential Suites, prepared by Pereira Engineering.
2. St. Vincent dePaul Townhouses Operations and Management Manual.
3. Phase I Environmental Site Assessment Report, 253 Roosevelt Drive Prepared by Terrasyn dated March 24, 2006.
4. Plans - "St. Vincent dePaul Residential Suites - 32 Residential Suites" including the following sheets:

1. Cover Sheet.
 2. Plot Plan, prepared for Primrose Construction, prepared by Land Surveying Services, LLC, dated April 2004 and drawn at a scale of 1" = 20'.
 3. Site Plan - Sheet 1 of , prepared by Pereira Engineering, LLC, dated October 7, 2005 and revised through 2/14/06, drawn at a scale of 1" = 20'.
 4. Grading & Utility Plan - Sheet 2 of 4, prepared by Pereira Engineering, LLC, dated October 7, 2005 and revised through 2/14/06, drawn at a scale of 1" = 20'.
 5. Sedimentation & Erosion Control Plan - Sheet 3 of 4, prepared by Pereira Engineering, LLC dated October 7, 2005 and revised through 2/14/06, drawn at a scale of 1" = 20'.
 6. Details - Sheet 4 of 4, prepared by Pereira Engineering, LLC, dated October 7, 2005 and revised through 2/14/06, scale as noted.
 7. 500' Radius Map - Sheet 1 of 1, prepared by Pereira Engineering, LLC dated October 7, 2005 and drawn at a scale of 1" = 20'.
 8. Site Building Plan - Sheet ST-2, prepared by Guedes-Khan, Inc. dated 3/15/04
 9. Landscape Plan - Sheet ST-2, prepared by Guedes-Khan, Inc. dated 9/19/05.
 10. Office & Poolhouse Plan and Elevations- Sheet OP-1, prepared by Guedes-Khan, Inc. dated 10/1/05.
 11. Basement Floor Plan - Sheet A-1, prepared by Guedes-Khan, Inc. dated 10/1/05.
 12. First Floor Plan - Sheet A-2 prepared by Guedes-Khan, Inc. dated 9/19/05
 13. Second Floor Plan - Sheet A-2 prepared by Guedes-Khan, Inc. dated 9/19/05
 14. Tower 3rd, 4th & 5th Floor Plans - Sheet A-4 prepared by Guedes-Khan, Inc. dated 9/19/05.
 15. Roof Plan - Sheet A-5 prepared by Guedes-Khan, Inc. dated 9/19/05.
 16. Harmonization Elevations A-A & B-B - Sheet A-8 prepared by Guedes-Khan, Inc. dated 9/19/05.
 17. Harmonization Elevations C-C & D-D - Sheet A-9 prepared by Guedes-Khan, Inc. dated 9/19/05.
 18. Harmonization Elevations E-E & F-F - Sheet A-10 prepared by Guedes-Khan, Inc. dated 9/19/05.
 17. Harmonization Elevations G-G&H-H - Sheet A-11 prepared by Guedes-Khan, Inc. dated 9/19/05.
5. Correspondence from Milone & MacBroom, Inc. Dated December 22, 2005.

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 conditions also apply:

1. Lack of compliance with any condition 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

Wetlands Enforcement Officer.

2. Any further changes or modifications to the application presented shall be submitted to the City Engineer to determine if additional review and approval is necessary by the Agency.
3. 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. The proper installation of all sediment and erosion control measures indicated on the above referenced plans.
 - b. Written confirmation that the deed of the property mentions the stipulated conditions of this approval.
4. All disturbed areas of the site not directly required for construction activities shall be temporarily hayed and seeded until permanent vegetation is established.
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. All storm water structures shall be maintained in accordance with the St. Vincent dePaul Townhouses Operations and Management Manual submitted in support of this application. On an annual basis, or more frequently if needed, a written report of the inspection and maintenance performed on the storm drainage system shall be submitted to the Derby Inland Wetlands Agency for their records.
7. The Phase I Environmental Assessment report prepared for the subject property and submitted by the applicant indicated that a Phase II Environmental Assessment is recommended. Therefore, prior to any construction activities covered by this permit, the applicant shall provide copies of the Phase II report and any subsequent reports to the Agency for their records.
8. The Agency's decision to grant this approval makes no warranties or representations; either expressed or implied, that future regulated activities will be permitted on this site.

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

#06030801 - seeking permission to conduct a “Regulated Activity”, proposing to construct a gasoline station/convenience store at 235 Roosevelt Drive, Lot #11, Tax Map #9-4.

Donald Smith, Engineer stated that revised plans based on the comments from Milone & MacBroom have been submitted. They propose to demolish approximately 14' of the front of the existing building and have two pumps with four dispensers. There will be two underground fuel tanks; 18,000 gallons for gasoline and 6,000 gallons for gas/diesel fuel. He presented an Environmental Impact Statement and stated that the parking lot is paved and now run off sheet flows off the site to catchbasins on Roosevelt Drive. They will be installing two catchbasins on the site with filters and the site will be graded so that it will now flow to those catchbasins. The proposed canopy would have roof leaders and tie into the system. Mr. Columbo noted that a report from AbTech Industries regarding the filter system proposed was submitted. Mr. Marcucio asked about maintenance and it was noted that a maintenance schedule is included in the report. Mr. Joyce stated that the Agency will want to have inspections done and reports submitted probably at six month intervals to begin with and then on a yearly basis. He also stated that the drainage is an improvement to what is there now.

Mr. Marcucio moved that on March 8, 2006, 235 Roosevelt LLC (Applicant) submitted Application No. 06030801 for the construction of a gas station and convenience store at 235 Roosevelt Drive which proposed no direct impacts to or within 50' of wetlands or watercourses and will require a Declaratory Ruling in accordance with Section 11.10.

Therefore, the Agency moves to approve Application No. 06030801 as presented and shown on the following documents.

1. Environmental Impact Statement for Self-Service Retail Gasoline Fueling Facility.
2. Parcel/owner within 500' radius to Parcel 9-4/11 (Appolo Pizza) #235 Roosevelt Dr
3. Consent from property owner.
4. Storm Drainage Analysis - #235 Roosevelt, LLC - Derby, CT, prepared by Donald W. Smith, Jr., P.E. dated February 28, 2006.
5. Aquifer Protection Area Map.
6. “Existing Conditions & Demolition Plan”, prepared for 235 Roosevelt, LLC, prepared by Donald W. Smith, Jr., P.E. dated 2/7/06 and drawn at a scale of 1" = 20'.
7. “Improvement Location Survey - Proposed” prepared for 235 Roosevelt, LLC prepared by Donald W. Smith, Jr., P.E., dated 2/7/06 and revised through 4/11/06, drawn at a scale of 1" = 20'.

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8. “Grading, Utility & Erosion Control Plan”, prepared for 235 Roosevelt, LLC prepared by Donald W. Smith, Jr., P.E. dated 2/7/06 and revised through 4/11/06, drawn at a scale of 1" =

9a. Engineering Fees - Milone & MacBroom, Inc. For the City of Derby; Statement of Account, March 31, 2006.

Mr. Marcucio moved to approve the payment of the Milone & MacBrom, Inc. statement of account dated March 31, 2006 in the amount of \$285.00. The motion was seconded by Mr. Birtwell and carried unanimously.

9b. Witek Park Report.

Mr. Joyce spoke on the water sampling report and stated that two samples are taken at two locations; a wet sample in the spring-summer and a dry sample in the fall. He stated that in the last two years the cost for the report has been approximately \$10,000. He also stated that they are anticipating that the fields will be ready for use in the summer. He also stated that the Mayor intends to appoint Ken Hughes as administrator for Witek Park on an interim basis

9c. Joe Falango, Pine Street Estates, Marshall Lane, Lot #50, Tax Map #2-7, Signed off for Plan of Property on March 29, 2006.

9d. John Pawlowski, Sentinel Hill Road, Lot #2, Signed off for Site Plan on March 30, 2006.

Mr. Columbo stated that he signed off on these two applications.

9e. Notice of Tentative Determination Section 401 Water Quality Certification, Notice of Federal Coastal Consistency Review - Application #WQC 200600411; Application #WCQ200600365, Connecticut Programmatic General Permit (PGP) Towns: Statewide, Waters: All Waters.

Mr. Columbo stated that information regarding these applications was received from the Department of Environmental Protection and will be on file.

9f. Public Notice Application for an Inland-Wetlands Buffer Permit, Shelton, Connecticut.

This is a referral from the Shelton Inland-Wetlands Agency for 117 Indian Wells Road. There is no impact to any property in Derby.

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A motion to adjourn was made by Mr. Padilla, seconded by Mr. Birtwell and carried unanimously. The meeting was adjourned at 8:30 p.m.

ATTEST:

Maryanne DeTullio