

**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

August 8, 2007
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, August 8, 2007 at Aldermanic Chambers, New City Hall, 1 Elizabeth Street, Derby. This meeting was called to order at 7:00 p.m. by Chairman Fred Columbo.

By roll call members present were Chairman Fred Columbo, Paul Dinice, Jr., David Barboza and Roger Birtwell. Michael Joyce from Milone & MacBroom was also present.

Additions, Deletions, Corrections to the Agenda:

Chm. Columbo stated that it should be added to Item 8a that it is statement of July 31, 2007. Also, that Item 7 it should be impervious "liner". A motion to adopt the agenda with those corrections was made by Mr. Barboza, seconded by Mr. Birtwell and carried unanimously.

Public Portion:

Dan Waleski, 21 Elm Street stated that he would like an opportunity to speak on Item 7. Chm. Columbo stated that he would be allowed to speak when the item was heard.

Acceptance of Minutes

Mr. Barboza moved that the minutes of the July 11, 2007 meeting be accepted. The motion was seconded by Mr. Dinice and carried unanimously with Mr. Barboza abstaining.

7. Davis Oil Comapny, Paul Davis - Applicant, APPLICATION #07080801 - seeking permission to conduct a "Regulated Activity"; Proposing to install an impervious liner within existing containment areas at 40 Cedar Street, Lot #13, Tax Map #6-4.

Don Smith and Paul Davis were present. Mr. Columbo stated that he met on site with Mr. Joyce, Mr. Davis and Mr. Smith on 7/17/07 and the applicant was informed that he should file an application. He also stated that the members have conducted on site inspection.

Mr. Smith stated that Davis Oil Company has operated out of this location for the past 60 years. It is an existing non-conforming use in a residential area. He stated that in February, 2007 there was a spill on the property which was mostly contained to the

but some of it did get on to the roadway. An incident report was filed and DEP was at the site. As a result of that, the applicant now has to put down a liner in the loading area and around the two fuel tanks. The purpose of the liner would be to keep any spill above ground and it would not permeate into the ground. The requirements are that the containment area to sized for a 110% of the largest vessel, they have a 11,400 tank so they need approximately 13,000 containment area. He stated that once the containment area is lined, the area underneath the tanks will be lined with a liner. The area where the loading is done is a gravel surface which will be paved with asphalt. He stated that once this is done, the rain water has to be disposed of. They will have two catchbasins within the containment and those two would pass through a gate valve and after that they would go through an oil/water separator. Mr. Smith stated that the gate valve in a closed position protects the integrity of the containment area. After a rain storm they would have to manually open the gate valve and allow the water that has accumulated within the containment area to drain out and drain into the oil/water separator. The gate valve would then be closed. Once the water goes into the oil/water separator it can then go into the sanitary sewer system or it would have to be put into a holding tank and then pumped out and taken to the treatment plant. He stated that they have filed an application with WPCA to extend the sanitary sewer that is in Cedar Street into the property and make a connection to that. He stated that they received a response back from the WPCA engineer which stated that they are not sure about that connection and having rain water going into their system. He stated that if this is not allowed, then it will have to go into a holding tank. Mr. Smith stated that they would prefer to be able to tie into the sewer system since it would not be a great amount of water. He stated that all this work is required by EPA and Mr. Davis is under a deadline to have this done by September 30, 2007 or he will be fined.

Mr. Smith stated that they have submitted copies of Davis Oil's spill prevention control and counter-measure plan and a EPA report regarding Davis Oil. He also stated that Davis Oil has an agreement with Connecticut Tank Removal for emergency services if there is a spill in the future.

Mr. Dinice asked what storm standard the holding tank is designed to. Mr. Smith stated that on an annual basis this site generates 90,000 gallons of runoff and if it has to be a holding tank it would probably be a 10,000 gallon tank.

Mr. Birtwell asked if there have been any problems at the site over the last 60 years. Mr. Davis stated that spill was caused by driver's error in filling a truck. He stated that they have made changes to the loading mechanism so that it would not happen again. The EPA is requiring the liners and they will also install alarms. Mr. Joyce stated that the liner is an improvement.

Mr. Barboza asked if there would be any excavating and Mr. Smith stated that they will have to remove the top level of soil. Mr. Columbo asked if the tanks would remain during construction and Mr. Smith stated that they would and have been there since the business was established.

Mr. Smith stated that they could increase the capacity to accommodate a 100 year storm event. There will also be a fence around the entire area. Mr. Dinice stated that this is a better scenario than what is on the site now and how the water leaves the site is the decision of the WPCA. Mr. Smith stated that a soil scientist looked at the site and there are no wetlands. He stated that they have an application filed with WPCA and the Agency can be informed of their decision. Mr. Joyce stated that this is an improvement to the area and it would be a declaratory ruling.

Dan Waleski, 21 Elm Street stated that there has never been a problem with this company over the years. It is a family owned business and he is very familiar with the business. He stated that these are new regulations and Mr. Davis now has a very short period of time in which to comply with those requirements.

Mr. Barboza moved that on August 8, 2007 Davis Oil Company Inc. (Applicant) submitted an Application No. 07080801 which proposed no direct impacts to wetlands or watercourses and no activities within the 50' regulated upland review area and will require a Declaratory Ruling in accordance with Section 11.10.

Therefore, the Agency moves to approve Application No. 07080801 as presented and shown on the following documents submitted in support of the application.

1. Property Owners Adjoining 40 Cedar Street.
2. Computations for Required Containment Area, prepared by Donald W. Smith, Jr., P.E., dated revised through 7/20/07.
3. Correspondence from Donald W. Smith, Jr. P.E. dated July 19, 2007 with the following attachments:
 - a. SPCC (Spill Prevention, Control & Countermeasure) Plan dated April 25, 2007
 - b. US EPA Facility Information report dated 3/13/07.
 - c. US EPA SPCC Plan Administrative Information Report dated 3/13/07.
 - d. Connecticut Tank Removal Agreement for Emergency Services dated 3/26/07
 - e. CT DEP Emergency Incident Report dated 1/15/2007.
4. "Site Plan" prepared for Davis Oil Co., Inc. - #40 Cedar Street, prepared by Donald W. Smith, Jr., P.E. dated revised through 7/17/07 and drawn at a scale of 1"=20'.
5. "Wetlands/Watercourse Determination", Davis Property, 40 Cedar Street, Derby, Connecticut, prepared by Roy Shook Associates, dated June 5, 2007.

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 Wetland 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. An anti-tracking pad shall be shown on the permit drawings along with a detail for its installation.
4. Limits of disturbance associated with the sewer main extension, including but not limited pavement repair, shall be shown on the plans.
5. The site plan shall indicate the inlet protection at each existing and proposed drainage structure within and immediately adjacent to the project area.
6. All work shall conform to the applicable requirements of the CT DEP and US EPA.
7. Upon completion, as-built drawing(s) showing the proposed improvements shall be submitted to the Agency for its records.
8. Prior to any construction activities covered by this permit, the applicant shall arrange for the proper installation of all sediment and erosion control measures indicated on the above referenced plans by a qualified party and verified as complete by the City Engineer and/or Wetland Enforcement Officer.
9. 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 and/or contractor to install additional sediment and erosion control measures as conditions may warrant.
10. 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.
11. The applicant shall provide all DEP, EPA, Owner, Applicant, CT Tank Removal Emergency Contact information.
12. The Applicant shall submit an updated S.P.C.C. Plan after permit approvals.
13. As discussed and agreed upon by the applicant during the meeting, the site plan shall be revised so that the containment berm can accommodate a full container spillage and a 100 year storm event.

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

8a. Engineering Fees Milone & MacBroom, Inc. for the City of Derby statement of July 31, 2007.

A motion to pay the bills in the amount of \$1,483.36 from Milone & MacBroom was made by Mr. Barboza, seconded by Mr. Dinice and carried unanimously.

b. Derby Shopping Center, LLC, Lowe's Home Improvement Store, 500 New Haven Avenue: Modification of Approval.

Mr. Joyce stated that he received plans for the culvert repair and some comments were sent back to them that more information was needed. He stated that he hoped that the information would be received shortly so that some of the work can be done soon. He stated that the culvert repair should remain on the agenda. He also stated that they have not received approval from STC for the project.

c. Twin Oaks Subdivision (31 Lots) 64 and 78 Pulaski Highway, Ansonia, CT.

Mr. Columbo stated that a cover letter and copy of the City of Ansonia P&Z application was received. Mr. Joyce stated that the required statutory notice was not received. He stated that he had reviewed the plans, submitted some recommendations and some modifications were made. He stated that the concern was with drainage from Coe Lane and improvements have been made regarding that. He stated that the Ansonia Fire Department is requiring a turn around at the end of Coe Lane which he did not think was necessary.

Mr. Joyce stated that another application for a five lot subdivision off of Elm Street, Ansonia was referred to the Derby P&Z.

A motion to adjourn was made by Mr. Birtwell, seconded by Mr. Barboza and carried unanimously. The meeting was adjourned at 8:25 p.m.

ATTEST:

Maryanne DeTullio

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