

**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
Roger Birtwell**

February 9, 2011
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, February 9, 2011 at Aldermanic Chambers, New City Hall, 1 Elizabeth Street, Derby. This meeting was called to order at 7:10 p.m. by Chairman Fred Columbo.

By roll call members present were Chairman Fred Columbo, David Barboza and Paul Dinice.. 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 12/08/2010 meeting was made by Mr. Dinice, seconded by Mr. Barboza and carried unanimously . Chm. Columbo noted that the January 2011 meeting was cancelled due to a snowstorm.

Public Portion

There was no one from the public wishing to speak.

will need to review this as well. It will be on the January agenda.

7. Continue a PUBLIC HEARING for: Schrade Water Street LLC, George M.Schrade – applicant. APPLICATION #10101301 – seeking permission to conduct a regulated activity: Proposing to construct a canopy building, an industrial building, and detention basins for its drainage system on property at 205 Water Street on Lot #237, Tax Map #8-7 and Lot #171, Tax Map #8-58.

Mr. Barboza moved to open the public hearing. The motion was seconded by Mr. Dinice and carried unanimously. Mr. Columbo stated that revised plans were submitted with some maintenance items added to the plans. Also submitted was a letter dated 2/4/11 indicating that the total area of wetlands that will be directly impacted is 0.04 acres. Mr. McEvoy stated that there were some issues addressed in his 1/6/11 review letter that needed to be taken care and those have been done. Mr. McEvoy read into the record his letter dated 2/9/11 (copy attached). Alan Shepard was present for the applicant and stated that he has contacted DOT that they have cleaned

out the line to the vault under Route 34 but have not done any work from there to the river. There may be some projects in the future that would address that. Mr. Shepard stated that they would have no problem putting up the encroachment markers and the number and spacing could be determined by the city engineer. Chm. Columbo noted that they did present a prudent and feasible alternative but what is being proposed is satisfactory. He also stated that everything has been presented and discussed and the members have done an on-site visit. A motion to close the public hearing was made by Mr. Dinice, seconded by Mr. Barboza and carried unanimously.

Mr. Barboza moved that the City of Derby Inland Wetlands Agency (DIWA), having considered the factors pursuant to Section 10 of the Inland "regulations Protecting the Wetlands and Watercourses of the City of Derby (the regulations) and after review of written and verbal information provided by the applicant, Agency members and City staff, finds the following:

1. On October 13, 2010 Scrade Water Street, LLC (Applicant & Owner) submitted an application No. 10101301 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 two buildings for an industrial crane operation use.
2. An unnamed watercourse and associated wetlands corridor conveying storm runoff primarily from Route 8 runs along the eastern boundary of the property and two isolated pockets of wetlands fed primarily by storm water runoff from Water Street are located in the western portion of the property.
3. A Site and Wetlands Boundary Review has been prepared which identified the existing site conditions.
4. The project proposes to mitigate increases in runoff from the proposed buildings and paved areas with a stormwater management system including water quality basins and a detention basin. 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.
5. There will be a total of 1.742 sf of direct wetland impacts for the purpose of constructing the detention basin berm and the storm drainage outlet splash pad, with 0.84 acres of disturbance within the 50' regulated upland review area for the purpose of constructing the driveway and parking areas, site grading, landscaping, drainage improvements, etc.
6. That this application is a "significant activity" in accordance with the definition of "significant activity" specifically subsections 6 and 8, as found in the Regulations of the DIWA and will require a Plenary Ruling.

7. Best Management practices have been employed in the design to promote infiltration and to control storm water runoff. These practices include water quality basins to collect storm water runoff from the proposed parking areas and the proposed buildings where possible. Sedimentation and erosion control measures have also been incorporated into the design including sediment filter fence, stabilized construction entrances, a sediment trap, a soil erosion control narrative and detailed construction sequence.

8. Information was provided by the Applicant, City staff, Agency members and the general public during the public hearings held on November 10, 2010 and February 9, 2011.

9. The applicant proposed an alternative underground stormwater detention system that would avoid direct impacts to the wetlands, but that alternate system is determined to be not feasible by the DIWA.

Therefore, the Agency moves to approve Application No. 10101301 with modifications as presented and shown on the following documents submitted in support of the application:

1. "Drainage Report, Prepared for Schrade Water Street, LLC, 205 Water Street, Derby, Connecticut", dated September 13, 2010, prepared by: Alan Shepard, P.E.
2. "Site and Wetland Boundary Review, 151 Water Street, Derby, CT", dated May 7, 2008, revised to December 8, 2010, prepared by: JMM Wetland Consulting Services, LLC.
3. Plan entitled "Overall Site Plan, Prepared for Schrade Water Street, LLC, 205 Water Street, Derby, Connecticut" Scale 1"=40', dated October 4, 2010, revised January 11, 2011, prepared by Nowakowski-O'Bymachow-Kane, Associates.
4. Plan entitled "Proposed Property Transfer Between 139 Water Street and 205 Water Street, Prepared for Schrade Water Street, LLC, 205 Water Street, Derby, Connecticut", Scale 1"=60', dated October 4, 2010, revised December 7, 2010, prepared by Nowakowski-O'Bymachow-Kane Associates.
5. Plan entitled "Soil and Erosion Controls and Grading Plan, Prepared for Schrade Water Street, LLC, 205 Water Street, Derby, Connecticut, Scale 1"=30', dated October 4, 2010, revised January 11, 2011, prepared by Nowakowski-O'Bymachow-Kane Associates.
6. Plan entitled "Parking and Driveway Plan, Prepared for Schrade Water Street, LLC, 205 Water Street, Derby, Connecticut", Scale 1"=30', dated October 4, 2010, revised December 7, 2010, prepared by Nowakowski-O'Bymachow-Kane Associates.

7. Plan entitled "Sewer Line Profile, Prepared for Schrade Water Street, LLC, 205 Water Street, Derby, Connecticut" scale 1"=40' horizontal, 1"=4' vertical, dated September 13, 2010, prepared by Nowakowski-O-Bymachow-Kane Associates.
8. Plan entitled "Construction Details, Prepared for Schrade Water Street, LLC, 205 Water Street, Derby, Connecticut", Scale as noted, dated : September 13, 2010, revised December 7, 2010, prepared by Nowakowski-O'Bymachow-Kane Associates.
9. Plan entitled "Mitigation Planting Plan, Prepared for Schrade Water Street, LLC, 205 Water Street, Derby, Connecticut" scale 1"=30', dated December 7, 2010, prepared by Nowakowski-O'Bymachow-Kane Associates
10. "Addendum to the Drainage Report" dated November 3, 2010, prepared by Nowakowski-O'Bymachow-Kane Associates.
11. Response letter dated December 7, 2010 prepared by Nowakowski-O'Bymachow-Kane Associates.
12. Review letters from Milone and MacBroom, Inc. dated November 9, 2010, January 6, 2011 and February 9, 2011.

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 submit a map depicting the location of medallions prescribed by the DIWA on wood posts along the eastern limit of disturbance adjacent to Wetland Area 3 and the limit of disturbance to the north of the detention basin berm adjacent to Wetland Area 2. The locations of the medallions shall be reviewed and approved by the City Engineer and/or Wetlands Enforcement Officer.
2. 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 and wetland mitigation plantings 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 \$5000 of the approved bond shall be submitted in the form of a separate cash bond.
3. The gravel outside storage area depicted on the referenced plans shall not be used to store vehicles.
4. All floor drains shall be directed to the sanitary sewer system and if a gravel surface is to be used for floor of the proposed canopy garage, that an impervious barrier shall be installed beneath the gravel surface to direct any discharges from the vehicles to the sanitary sewer system. Prior to discharge to the sanitary sewer system, all floor drains and/or impervious barrier collections shall be directed to an oil/water separator prior to the proposed pump chamber in accordance with building code requirements.

5. The referenced plans include the contact information for the Connecticut Department of Transportation for maintenance of the downstream pipe should it become clogged as it has been in the past.
6. 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.
7. All disturbed areas on the site not directly required for construction activities shall be temporarily hayed and seeded until permanent vegetation is established.
8. After commencement of construction, as 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.
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, developer and or contractor to install additional sediment and erosion control measures as conditions may warrant.
10. 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.
11. 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.
12. 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.
13. 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.
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 \$500.00 to the City of Derby Finance Office.

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

8. Tony Salerno-applicant. APPLICATION #10120801-Seeking permission to conduct a regulated activity on property on E. Bassett Lane.

Chm. Columbo reviewed the application and stated that the State Reporting Form was also submitted as well as a site plan revised to 2/4/11 and a soil scientist report.

Alan Shepard stated that this is a modification to the original approved application which was done in February, 2005. He stated that when the wetlands were flagged the area in question did not look too wet but sometimes when there are briars in the way it isn't thoroughly looked at. They decided to look at it again and the soil scientist went out and went through the briars and did test borings and determined that it is not a wetland. Mr. Salerno stated that they thought that because of where the wetland line was they would have to work in the regulated area. It has now been identified where they are exactly and have found that they will not have to work in the regulated area.

Mr. McEvoy stated he walked the site and found the wetland flags. He stated that he prepared a review letter and asked Mr. Shepard to depict the original wetland line on the plans so the members could see the difference. He also requested that haybales be added and that the footing drain be relocated to the toe of the fill slope. He also asked that they clarify the grading of the driveway. These things have been addressed on the revised. Mr. McEvoy read his review letter dated 2/4/11 into the record (copy attached).

Mr. Dinice moved that the City of Derby Inland Wetlands Agency (DIWA) having considered the factors pursuant to Section 10 of the Regulations Protecting the Wetlands and Watercourses of the City of Derby (the Regulations) and after review of written and verbal information provided by the applicant, Commission members and City staff, find the following:

1. On December 8, 2010, Edgebrook Estates, LLC/Terra Development LLC (Applicant & Owner) submitted an application No. 10120801 for activities on a lot with flagged wetlands. The activities are associated with the construction of a house at Lot 13 of Edgebrook Estates and area a modification from what was approved in February of 2005.
2. The wetland boundary was originally flagged in support of the subdivision application and revised by JMM Wetland Consulting Services, LLC based on investigations in November of 2010. An on-site soil investigation report has been included in the application.
3. The project proposes to construct a house, driveway and utilities, and associated grading.
4. There will be no direct wetland impacts for the purpose of constructing the house and septic system. There will be no disturbance within the 50' regulated upland review area.

5. That this application is not a “significant activity” in accordance with the definition of “significant activity” as found in the Regulations of the DIWA and will require a Summary Ruling.
6. Sedimentation and erosion control measures have also been incorporated into the design including sediment filter fence and haybales.
7. Information was provided by the Applicant, City Staff, and Agency members during the regularly scheduled meetings held on December 8, 2010 and February 8, 2011.

Therefore, the Agency moves to approve Application No. 10120801 as presented and shown on the following documents submitted in support of the application:

1. Plan entitled “Site Plan – Lot 13 “Edgebrook Estates”, Prepared for, Terra Development, LLC, E. Bassett Lane, Derby, Connecticut”, scale 1”=20’, dated November 30, 2010, revised February 4, 2011, prepared by Nowakowski, O’Bymachow, Kane & Associates.
2. On-site soil investigation report prepared by JMM Wetland Consulting Services, LLC dated 11/18/10.

In addition to the requirements listed in Section 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. 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.
2. 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.
3. The grading of the driveway within the E. Bassett Lane Right-of-Way shall pitch to the gutter line to prevent roadway runoff from entering the parcel.
4. No refueling of equipment or vehicles shall be performed on the parcel.
5. All disturbed areas on the site not directly required for construction activities shall be temporarily hayed and seeded until permanent vegetation is established.
6. 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.

7. 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.

8. 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 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.

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 \$100.00 to the City of Derby Finance Office.

11. The plan shall be revised to include a north arrow.

12. The plans shall be revised to incorporate medallions prescribed by the DIWA, at locations approved by the City Engineer and or Wetland Enforcement Officer.

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

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

Mr. Dinice moved that the bills from Milone and MacBroom be paid. The motion was seconded by Mr. Barboza and carried unanimously.

9b. D.I.W.A. proposed meeting dates, times, location for regularly scheduled monthly meetings for the year 2011.

Mr.Barboza moved that the DIWA meet on the second Wednesday of each month at 7:00 p.m. in the Aldermanic Chambers, City Hall. The motion was seconded by Mr. Dinice and carried unanimously.

A motion to adjourn was made by Mr. Barboza, seconded by Mr. Dinice and carried unanimously. The meeting was adjourned at 8:05 p.m.

ATTEST:

Maryanne DeTullio

