

**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**

July 13, 2011  
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency for Wednesday, July 13, 2011 at Aldermanic Chambers, New City Hall, 1 Elizabeth Street, Derby. This meeting was called to order at 7:00pm by Chairman Fred Columbo.

**Mr. Columbo noted that the agenda has been given to all those in attendance of the meeting, and is also posted downstairs by the Town Clerk, Laura Wabno, and on the front door of the meeting hall upstairs at City Hall.**

By roll call members present were Chairman Fred Columbo, Paul Padilla, substitute recording secretary Kimberly M. Alger, Paul Dinice, Jr., Philip Marcucio, and Mike Joyce: Professional Engineer for Milone & MacBroom, the engineering firm for the City of Derby.

**Additions, Deletions, Corrections to the Agenda**

Philip Marcucio moved to add item 8a: Milone & MacBroom 3 Invoices for June and July 2011. The motion was seconded by Paul Padilla and carried unanimously.

**Approval of Minutes**

Approval of the minutes for Wednesday June 8, 2011 had to be postponed until the next meeting, as the members present had not attended the June 8, 2011 meeting.

**Public Portion**

Mr. Dan Walesky, 21 Elm Street, Derby CT- concerned citizen. Mr. Walesky expressed his concern about the disappearance of the wetlands by developments throughout the city, and about how the land has changed so drastically over the years. He also urged the committee continue to preserve Hines farm, as it is now the oldest working farm in America explained Mr. Walesky.

7. Ray Sadlik- applicant for Belleview Homes, LLC, **APPLICATION# 11051101**- seeking permission to conduct a **regulated activity**: proposing to develop 4 building lots for future construction of 4 single family homes. On **Lot #2, Tax Map#1, Block 3, and**

**Lot #14, Tax Map #2, Block #5 on Belleview Drive.** Fred D'Amico, engineer for Mr. Sadlik, was present of Mr. Sadlik's behalf. Mr. D'Amico presented his newly revised 20 scale site maps to the agency with the necessary changes suggested by the agency. The revised maps were presented on a 20 scale and in color. Mr. D'Amico expressed that Mr. Ryan McEvoy had requested that the galleys be changed to a detention pond. Mr. D'Amico explained that at this point the only activity happening in a regulated area is in one small corner of the house in lot #3. Overall, they made each house slightly smaller and moved each house slightly over so that they stayed out of the buffer area. Chairman Columbo pointed out that as each house is built, Mr. Sadlik and Mr. D'Amico must come back in front of the commission showing exactly where the houses will be located for approval prior to construction. Mr. D'Amico also noted that North was revised to match a neighboring map. He explained that the noted contours will be added into the new plans, and that the dimensions of the basin are approximately 60-70' long, about 40' wide, and approximately 4' deep. Mr. D'Amico explained that standard maintenance for a detention pond and that there is a stone check dam near the entrance so that the area in front of it can be cleaned. Also, the catch basins prior to this all have sumps on them so that the silt will also be caught in the catch basins. The responsibility of the maintenance will be set up by the association, which will consist of the 4 lot owners. Mr. D'Amico also noted that while the soil scientist did visit the site again, he has yet to fax in the soil scientist report. Mike Joyce explained that the documents dropped off by the applicant were reviewed and that most of the majority of the comments offered have been answered, however, the soil scientist's report is still outstanding.

Mr. Chairman noted that the changes made are an improvement from what was originally submitted, and that these improvements are advantageous to the project being a success. Mr. Chairman stated that on the state DEP reporting form, for item #12, Mr. D'Amico inserted 0.03 acres. In going over the letter of comments, Mike Joyce made the suggestion that a small sedimentation chamber be installed due to the fact that one of the requirements of the DEP is that a sedimentation control structure be used to help prevent maintenance requirements down so far as this basin. He explained that this basin is not easily accessible as it is down the hill and you must cross a gas line to get to it, and that this would collect the sand from the road before it gets to the basin. Mike Joyce expressed that this suggestion will be made in the motion. Mr. Joyce also suggested that an application be required for the final design of Lot #3, and that plans be submitted for Lots#1, 2, and 4 to determine if additional approval is necessary.

Mr. Chairman then stated that he would entertain a motion to be read for approval based on the fact that the agency has received all pertinent information necessary to make a sound decision, and that a review by the engineers, Ryan McEvoy, and Mike Joyce have presented their findings, and that collectively they have deemed everything in order to be able to make a decision. Mr. Chairman then entertained a motion that the application is deemed not a significant activity, in accordance with the definition of significant activity, specifically sub-section 6 and 8 as found in the regulations of the DIWA, and will require a summary ruling, which does not call for a public hearing. A motion was made by Paul Dinice, Jr., seconded by Paul Padilla, and carried unanimously.

Mr. Joyce then proceeded to read the motion  
(Please see the attached documentation)

Please note that the following revisions that were made during the reading of this motion:

5. 1,451 sf (.03 acres)
6. The homeowner's association will be responsible for maintaining both the detention basin and the sedimentation control structure.
13. Individual approval of Lot#3 will be required, and the submission of plans for lots 1,2, and 4 to determine if additional committee approval is necessary.
14. The applicant shall submit an updated wetland soil scientist report prior to any additional regulatory application submissions.

Upon finishing the motions, Mr. Chairman announced that the motion had been made by Paul Dinice, Jr., it was seconded by Paul Paddilla, and carried unanimously. Mr. Chairman stated that the application had been approved with the stipulated conditions.

### **Discussion of New and Old Business**

**8a.** Engineering Fees: Milone & McBroom, Inc. All invoices listed below were approved for payment.

Mr. Chairman entertained the motion to approve all of the invoices listed below, Philip Marcucio made the motion, and it was seconded by Paul Padilla, and carried unanimously.

<b>Date</b>	<b>Invoice #</b>	<b>Street Name</b>	<b>Total Project Invoice Amount</b>
June 10, 2011	56370	John Street	\$130.00
June 10, 2011	56217	Derby Wetlands Commission	\$768.92
June 13, 2011	56401	Sodom Lane	\$195.00
June 23, 2011	56451	Bellevue Drive	\$2,255.30
July, 13, 2011	56737	Bellevue Drive	\$1,677.50
July 13, 2011	56738	Derby Wetlands Commission	\$476.42

**8b.** Oranewood East Condominiums, Harvey Finkel, President, informing of continued maintenance of area in rear corner of condominiums on John Street.

Mr. Chairman stated that no application was necessary for this maintenance procedure. Mike Joyce suggested that one of the committee members visit the site just to be sure that other than maintenance, that no further activity is in progress. Phil Marcucio volunteered to walk the site.

**8c.** Permit renewal for the Naugatuck River Phase 3, Derby Greenway/Walkway on Hog Island/O'Sullivan's Island. Mike Joyce, professional engineer with Milone & McBroom, Inc.

presented the project as the engineering representative for the city of Derby. This project is being funded by an 80-20 funding split between the Federal Government and the City of Derby, being administered by the Department of Transportation under their trail enhancement program. Mr. Joyce noted that there will not be any changes made to the information in this application than in the original application, all of the permit approvals still apply, the license and lease agreement is still intact, and according to the land records the DEP approvals are also intact. Mr. Chairman then entertained a motion to approve the application #11071301, as a summary ruling, waiving all fees because it is for the City of Derby. Mr. Marcucio made the motion to approve the application; it was seconded by Paul Padilla, and carried unanimously.

9. A motion to adjourn was made by Mr. Padilla, seconded by Mr. Dinice, Jr. The meeting was adjourned at 9:30pm.

**ATTEST:**

**Kimberly M. Alger**  
**Recording Secretary**

CITY OF DERBY – INLAND WETLANDS AGENCY

July 13, 2011

Motion:

That the City of Derby Inland Wetlands Agency (DIWA), having considered the factors pursuant to Section 10 of the Inland Wetland and Watercourse Regulations of the City of Derby (the Regulations) and after review of written and verbal information provided by the applicant, Commission members and City staff, finds the following:

1. On April 4<sup>th</sup>, 2011, Belleview Homes, LLC (Applicant & Owner) submitted an application No. 11051101 for activities within 50 feet of the wetlands and watercourses and other upland areas adjacent to the wetlands. The activities are associated with the construction of a four (4) lot residential subdivision accessible from a new City roadway which will intersect with Belleview Drive. The proposed roadway is approximately 300 feet in length with a pavement width of 32 feet and no sidewalks.
2. A Wetland Delineation Report has been prepared which identified the existing site conditions.
3. The project proposes to mitigate increases in runoff from the proposed houses, driveways and roadways with a detention basin.
4. There will be no direct impacts to the wetlands
5. There will be a total of 2,208 sf (0.051 acres) of disturbance within the 50' regulated upland review area for the purpose of constructing one single family home, site grading, landscaping, drainage improvements, etc.
6. That this application is not 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 \$200.00 fee as a summary ruling.
7. The lots are to be served by public water and sanitary sewer.
8. Sedimentation and erosion control measures have also been incorporated into the design including sediment filter fence, stabilized construction entrances, construction sequencing, etc.
9. Information was provided by the Applicant, City staff, and Agency members during the regularly scheduled meetings held on May 11, 2011, June 8, 2011, and July 13, 2011.

Therefore, the Agency moves to approve Application No. 11051101 with modifications 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. Statewide Inland Wetlands & Watercourses Activity Reporting Form
3. Check number 1125 dated April 4, 2011 for \$25.00
4. Adjacent Property Owners of Belleview Farms list
5. Letter to the commissioners dated April 4, 2011 from Ray Sadlik, member, Belleview Homes, LLC regarding sections 7.4-7.6 of the application procedure

6. Letter to the commissioners dated April 4, 2011 from Ray Sadlik, member, Belleview Homes, LLC regarding that Ray Sadlik is familiar with all of the information provided in the application
7. Letter to the commissioners dated April 4, 2011 from Ray Sadlik, member, Belleview Homes, LLC regarding allowance of City of Derby Inland Wetland Agency access to the site
8. Letter to the commissioners dated April 4, 2011 from Ray Sadlik, member, Belleview Homes, LLC regarding certifications for 7.6 a, b, c, and d
9. Soils Consulting Services (Henry T. Moeller) soils report dated December 13, 2005
10. Zoning/Abutters mapping
11. Police Department letter from Gerald D. Narowski dated October 14, 2010
12. Letter from the Fire Marshal to Mr. Estwan dated September 22, 2010
13. Letter from Senior Planner David Elder, AICP to Mr. Sadlik regarding "Four Lot Sub-Division, Belleview Homes LLC" dated September 28, 2010
14. Letter from the Director of Public Works to Mr. Sadlik dated October 13, 2010
15. Letter from Superintendent Lindsay King dated September 27, 2010
16. Map entitled, "Record Subdivision Map, E-1" dated March 5, 2011, revised to June 12, 2011 at a scale of 1"=40', prepared by D'Amico Associates
17. Map entitled, "Site Development & Sediment & Erosion Control Plan, E-2" dated March 5, 2011, revised to July 6, 2011 at a scale of 1"=40', prepared by D'Amico Associates
18. Map entitled, "20 Scale Site Development Plan, E-3" dated March 5, 2011, revised to July 6, 2011 at a scale of 1"=20', prepared by D'Amico Associates
19. Map entitled, "Construction Plan, E-4" dated March 15, 2011, revised to July 6, 2011 at a scale of 1"=40', prepared by D'Amico Associates
20. Drainage calculations for Belleview Farms dated June 8, 2011, revised to July 8, 2011, prepared by Fred D'Amico

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 install a split rail fence a minimum of 25' from the wetland limits on Lot 3, and 50' from the wetland limits on Lot 2 and shall place medallions prescribed by the DIWA at intervals of no less than 50' on the fence posts.
2. 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 the 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 \$5000 of the approved bond shall be submitted in the form of a separate cash bond.

- b. Prior to any clearing or earthmoving activities, the accurate staking and/or flagging of all clearing limits, pertinent limits of the 50 foot regulated upland review area shall be performed. If no longer visible the existing wetland limits shall also be identified.
  - c. The proper installation of all sediment and erosion control measures indicated on the above referenced plans and the conditions of approval.
3. 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.
4. The final design of the stormwater management system, including computations, the detention basin / outlet structure design, and storm drainage design shall be reviewed and approved by the City Engineer prior to the commencement of construction.
5. A sediment chamber sized according to the 2002 Guideline for Sediment and Erosion controls shall be included in the storm drainage design.
6. The City shall be granted a 20' easement over all off road storm drainage piping and a homeowner's association shall be granted an easement over the detention basin for maintenance.
7. A staged construction / separate sediment and erosion control plan be submitted for the roadway construction. No areas beyond what is needed to construct the roadway and drainage system shall be cleared unless a building permit has been issued for a lot. If individual lots are to be constructed concurrently with the roadway, then the sediment and erosion control plan may be modified to accommodate individual lot construction.
8. The limits of all disturbed areas, including areas downslope of the detention basin shall be protected with silt fence and haybales.
9. All disturbed areas on the site not directly required for construction activities shall be temporarily hayed and seeded until permanent vegetation is established.
10. 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.
11. 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.
12. 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.
13. 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.

14. 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.
15. Individual site plan approval is required of Lot 3, [as well as a new application](#). Site plans for Lot 1, 2 and 4 shall be submitted to the DIWA to determine if an application is needed
16. The submission of an updated wetland soil scientist report.
17. 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.