

**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.**

**August 14, 2013  
(Meeting Taped)**

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, August 14, 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, Paul Padilla and Nelson Cummings. Also present was Ryan McEvoy, Milone & MacBroom and Carlo Sarmiento, Building Official. 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 July 10 2013 meeting was made by Mr. Birtwell, seconded by Mr. Cummings and carried unanimously.

Public Portion

There was no one from the public wishing to speak.

7. Public Hearing - 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.

Mr. Marcucio recused himself from hearing this item. Jim Rotundo, engineer, was present for the applicant and submitted the certified mailings to abutting property owners. He stated that Town Fair Tire Centers is the contract purchaser for actually two properties located at 480 New Haven Avenue; one located on the front of the site where the current Marcucio Gardens is located. The second to the rear. The existing site where Marcucio Gardens is designated is approximately .9 acres and the parcel to the rear is approximately 7.6 acres. There is currently a detention basin located on that lot which was constructed as part of the Cornfield Subdivision and locates runoff from the development to the north. It is discharged through an outlet structure, through a pipe that comes through the existing site into Two Mile Brook.

The front parcel houses the Marcucio Gardens and is currently operating as a garden center and nursery. There is an office and greenhouse, several accessory buildings and a propane filling station. Parking for the facility is located along the westerly portion of the site. He stated that all portions of the front parcel have been disturbed in the past as part of the nursery business. The ground is basically gravel surface. There are several retaining wall throughout the site which provide for changes of elevation from the front to the back. Two Mile Brook is located along the front of the site; acrosses the corner in the southeast corner. There are several yard drains throughout the site that discharge into Two Mile Brook. There are existing utilities along the front of the site which serves the existing facility.

Mr. Rotundo stated that Town Fair Tire is currently located at 646 New Haven Avenue and are planning on relocating the store and developing a new facility at 480 New Haven Avenue. The new development will consist of an approximately 7144 s.f. building. The building will consist of sales and tire storage area as well as six tire service bays located along the easterly elevation. Parking for the facility is located around the building. The site will be accessed from a newly constructed driveway which is located essentially in the same location as the existing driveway. The dumpster is located to the rear of the site and a temporary tire storage cage. The cage is screened and it has a roof on top of it. He stated that they are also proposing the construction of detention basin access driveway which gets up into the rear of the site so that the basin can be maintained. Town Fair Tire will be responsible for the maintenance of that basin.

Mr. Rotundo stated that the Agency requested that a soil scientist look at the site overall to see if there are any wetlands on it. Otto Thiel, professional soil scientist went to the site and his report was submitted. He did not find any wetlands on the property and concurred that the wetlands line is coincident with the edge of Two Mile Brook. The development of the site will require work within the 50 foot review area. Mr. Rotundo pointed out that area on the maps and stated that the regulated activity taking place there is the construction of a new bituminous driveway and parking areas. This will be approximately 4900 s.f. There will be some excavation required along the northeasterly parking bay of approximately 325 cubic yards of materials. There will also be installation of portions of the stormwater management system will be located within 50 feet of Two Mile Brook. There will also be some landscaping along the perimeter of the new driveway and parking lot.

Mr. Rotundo stated that based on previous comments they made some modifications to the plans. These include lowering the whole site. The grade of the front parking area was lowered so no fill is needed. They also removed a retaining wall along the perimeter of the driveway on the top of the bank of Two Mile Brooks. He stated that driveway widths were also minimized where applicable and removed several parking spaces throughout the site. This allowed them to shift the driveway to provide some additional buffering between Two Mile Brook and the edge of pavement.

He stated that they designed the stormwater management system to collect and detain stormwater. The system collects runoff in several catchbasins throughout the site; it will run through a stormwater quality chamber and into a sub-surface detention system

located in the front parking lot. The stormwater runoff was analyzed for the 2 through 100 year storm events. He stated that they realized a reduction in the flows in each of those events draining out to Two Mile Brook drainage area.

He stated that they received some additional comments from the city engineer. He stated that they prepared an erosion and sedimentation control plan which will be implemented prior to any construction. There were some additional comments with regard to the stormwater management system and they can comply with those requests. He stated that they redid the calculations and there will be less runoff than the existing conditions.

Mr. Dinice asked for any public comment on the application.

Dan Waleski, 21 Elm Street stated that this is a very interesting application. He asked if the abutting neighbors had any comments.

Ken Hughes, 470 New Haven Avenue stated that Town Fair Tire representatives met with neighbors and covered any concerns that they had. He stated that they are taking care of the neighborhood and they did a very good job with the application.

Dan Waleski, 21 elm Street stated that he is pleased that they are remaining in Derby. He stated that his principal concerns are with the properties behind them and Two Mile Brook. He stated that the topography of the site is such that it gathers water and he was pleased that they are taking measures to care and maintain the detention basin.

Ryan McEvoy stated that he had a series of comments and the applicant did a good job to increase the buffer. He stated that the revised plans contain the soil and erosion control plan and they will be reducing the water runoff from the site. He stated that there are some minor items that need to be addressed. He also stated that the Agency may want to consider whether they want a fence along the top of the brook or wetlands medallions on posts.

There was no further comment on the application.

A motion to close the public hearing was made by Mr. Padilla, seconded by Mr. Birtwell and carried unanimously.

The members discussed if a fence was needed or posts with medallions in the area of the brook and wetlands. Mr. Dinice did not feel that a fence was necessary. Mr. McEvoy stated that from a safety perspective a fence may be a good idea and that was something that could be handled by Planning & Zoning. Mr. Padilla was concerned that people may cut across the property in that area and a fence may be a good idea. He felt that it would act as more of a detriment so that people would not go in that area. He felt that there should be wetlands medallions so that the public will know that it is a wetlands area and should be protected. Mr. Dinice stated that Mr. McEvoy will be reviewing the application for Planning & Zoning and he could recommend the location of the fence. He felt that there should be posts with medallions.

Mr. Padilla moved 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 June 12, 2013, Town Fair Fire Centers of Connecticut, LLC submitted an application Nol. 13061201 for activities within 50 feet of the wetlands and other upland areas adjacent to the wetlands. The activities are associated with the development of a commercial property including the construction of a building, parking areas and a stormwater management system.
2. The site was previously developed and occupied by Marcucio Gardens, LLC.
3. An On-Site Soils Investigation report has been prepared by Soil & Wetland Science, LLC which identified the existing site conditions including current wetland soils delineation.
4. There will be no direct impacts to the wetlands and a total of 0.11 acres of disturbance within 50' regulated upland review area for the purpose of constructing the parking area and driveway.
5. That the regulated activities proposed by this application do not involve a significant impact or major effect on the inland wetland or watercourse as defined by the Regulations of the DIWA and will require a Summary Ruling.
6. Information was provided by the Applicant, City staff, Agency members and the general public during the regularly scheduled meeting on June 12, 2013 and the public hearing held on August 14, 2013.

Therefore, the Agency moves to approve Application No. 13061201 as presented and shown on the following documents submitted in support of the application:

1. Plans entitled "Site Development Plan, Prepared for Town Fair Tire, 480 New Haven Avenue, Derby, Connecticut", prepared by Godfrey Hoffman Associates, LLC, dated May 21, 2013, revised to July 9, 2013 with the following attached drawings:
  - a. "Sheet SU-1.0, Property and Topographic Survey", drawn at a scale of 1" = 20', dated January 11, 2012
  - b. "Sheet SU-1.1, 500 Foot Radius Map", drawn at a scale of 1"=100'
  - c. "Sheet SU-1-2, Zone Change Map" drawn at a scale of 1"=50'
  - d. "Sheet SU-1.3, Lot Line Revision Map", drawn at a scale of 1"=50'
  - e. "Sheet C-1.0, Overall Site Plan", drawn at a scale of 1"=20'
  - f. "Sheet C-1.1, Site Plan", drawn at a scale of 1"=20'
  - g. "Sheet C-2.0, Grading and Utility Plan", drawn at a scale of 1"=20'
  - h. "Sheet C-3.0, Soil Erosion and Sediment Control Plan", drawn at a scale of 1"=20'
  - i. "Sheet C-3.1, Soil Erosion and Sediment Control Details", not drawn to scale

- j. "Sheet C-4.0, Details", not drawn to scale
- k. "Sheet C-4.1, Details", not drawn to scale.

2. Application package including a list of adjacent property owners, DEEP Reporting Form and owner's consent.

3. Purpose and Description of Proposed Activities.

4. Report entitled "Site Engineering and Stormwaer Management Report, Proposed Town Fair Tire, Located at 480 New Haven Avenue, Derby, CT" dated March 15, 2013, prepared by Godfrey-Hoffman Association, LLC.

5. Letter from Soil & Wetland Science, LLC dated July 8, 2013.

6. Letter from Godfrey Hoffman Associates, LLC dated July 9, 2013.

In addition to the requirements listed in Sections 11.9, 11.12 and 11.13 of the Regulations, the following stipulations also apply:

1. The applicant's engineer shall submit revised calculations with the existing condition including a Curve Number of 85 for the existing gravel surfaces.

2. The plans shall be revised to including the following:

- a. The pipe slope from MH#1 to the retention chambers set to a minimum slope of .50%.
- b. Access covers and or inspection ports shall be installed over the retention structures for future maintenance.
- c. A fence with design and location subject to city engineer review and approval shall be placed at the top of the north side of the Two Mile Brook channel with medallions prescribed by the DIWA at intervals of no less than 75' on fence posts along the fence.

3. Relocation of the existing 24" detention basin outlet pipe in installation of the underground detention area shall be coordinated with and performed in the presence of the city engineer or other duly authorized city official.

4. Per Section 18.5 of the Regulations, the DIWA approves the application as a summary ruling and the applicant shall pay a fee of \$200.00 to the City of Derby Finance Office.

5. 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.

6. 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.

7. 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, 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. Written confirmation that the deed of the property references the regulated areas on site and the stipulated conditions of this approval, including all easements, agreements and non-encroachment lines.
- c. Arrange for the filing of this approval on the Derby Land Records.
- d. Prior to any clearing or earthmoving activities, the proper installation of all sediment and erosion control measures indicated on the above referenced plans.

8. 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.

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 0.1 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 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.

13. 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.

8. Informal discussion – Revisions to Fee Schedule.

Mr. McEvoy provided the current fee schedule and stated that based on discussions at last month's meeting revised the fee structure. He stated that the fees would remain the same except if a public hearing is required that the fee will be increased by \$500.00. He stated that the fee for a residential application requiring would increase by \$250.00. He also stated that the State now requires a fee of \$58.00 for each application and this fee should be the responsibility of the applicant.

Mr. Padilla stated that he agreed with including the \$58.00 State fee to the fee structure but had some concerns with the increase to residential applications. Mr. Dinice stated that he would like to have it in the fee schedule. He felt that it was important if there are wetlands on a site that the property owner be aware of that. The item will remain on the agenda for further discussion at next month's meeting. Mr. McEvoy will continue to work on revisions to the fee schedule.

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

Mr. Dinice stated that there was no other business to discuss.

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

Mr. Padilla moved that the following bills from Milone and MacBroom be paid – Invoice #64329, 64331, 63964 and 63969. The motion was seconded by Mr. Cummings and carried unanimously.

A motion to adjourn was made by Mr. Padilla, seconded by Mr. Birtwell and carried unanimously. The meeting was adjourned at 8:00 p.m.

ATTEST:

Maryanne DeTullio

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