

**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
Rodger Birtwell
Nelson Cummings – Alt.
Daniel Sexton – Alt.**

**November 13, 2013
(Meeting Taped)**

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, November 13, 2013 at Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby. The meeting was called to order at 7:00 p.m. by Paul Dinice, Acting Chairman.

Members present were Paul Dinice, Rodger Birtwell, Nelson Cummings and Paul Padilla. Also present was Michael Joyce, Milone & MacBroom, Carlo Sarmiento, Building Official and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to the Agenda

There were no additions, deletions or corrections to the agenda.

Approval of Minutes

A motion to approve the August 14, 2013 minutes was made by Mr. Padilla, seconded by Mr. Birtwell and carried unanimously.

Public Portion

Drew Perry, 27 John Street stated that he still has concerns about the project on John Street with the drainage. He stated that there is a lot of water going onto Sodom Lane. He also felt that they had done some work in the wetlands when they should have only been cleaning up the area.

Discussion and Possible action – BAMF Homes – APPLICANT. Seeking permission to construct single family home on Lot 1, Tax Map 3-2-13, John Street.

Discussion and possible action – BAMF Homes – APPLICANT. Seeking permission to construct single family home on Lot 2, Tax Map 3-2-13, John Street.

Carl DiCarli, Burtville Avenue, Derby stated that as part of their approval they had to come back and present plans of the footprints of the houses for Lot 1 and Lot 2. He stated that no much has changed from the original approval. Mr. DiCarli stated that the house on Lot 1 meets all setbacks and regulations. He has a proposed buyer for this lot and he wants a deck in the rear. There is a drainage pipe in the rear and they had to change the direction slightly so that the deck would not encroach. He stated that the deck and pipe are shown on the map and all calculations were redone by their engineer. These have been reviewed by Milone and MacBroom.

Greg Fields, 173 Kings Highway, Milford stated that with Lot 1, the deck will be on the side and the drainage easement has been changed slightly to accommodate that. He stated that if the deck were on the rear it would have been closer to the wetlands.

Mr. Dinice asked about the work in the wetlands and Mr. Fields stated that they only did clean up work and did not work in the wetlands. They removed logs and debris from the area. Mr. Sarmiento stated that he has been monitoring the project since July and has not seen any disturbance or any problems. He stated that they are in compliance.

Mr. McEvoy stated that he has reviewed the plans and there are some minor variations. He stated that they have addressed all concerns and he had no problems with the plans. Mr. Dinice stated that he agreed with Mr. McEvoy and saw no problems.

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, Agency members and City staff, finds the following:

1. The current site plan for Lots 1 and 2 proposes a total of 1,930 sf (0.04 acres) of permanent disturbance within the 50' regulated area for the purpose of constructing two single family homes and driveways and is generally consistent with the approved subdivision plans as modified in Application #11111401.
2. 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.
3. The project proposes to mitigate increases in runoff from the proposed houses and driveways with underground infiltration galleries. Test pits were performed and the storm water management system has been designed such that the post development stormwater flows existing from the property are at or below the predevelopment conditions in accordance with Section 6.4 of the Regulations.
4. Sedimentation and erosion control measures have also been incorporated into the design including sediment filter fence, stabilized construction entrances, construction sequencing, etc.
5. Information was provided by the Applicant, City staff, and Agency members and the general public during the meeting held on November 13, 2013.

Therefore, the Agency moves to approve Application No. 13100901 with modifications as presented and shown on the following documents submitted in support of the application:

1. DIWA Application and Statewide Inland Wetlands & Watercourses Activity Reporting Form.

2. Letter from Milone and MacBroom, Inc. dated 10/22/13 regarding Lot 1 – 10 John Street.
3. Letter from Milone and MacBroom, Inc. dated 10/22/13 regarding Lot 2 – 12 John Street.
4. Lot 1 and Lot 2 Regulated Area Summary, prepared by Godfrey Hoffman Associates, dated 10/23/13.
5. Letter from Godfrey Hoffman Associates dated 10/23/13 regarding Lot 1 – 10 John Street.
6. Letter from Godfrey Hoffman Associates dated 10/23/13 regarding Lot 2 – 12 John Street.
7. Plans entitled “Lot 1 Development, Lot 1 John Street, Derby, Connecticut” with the following attached drawings:
 - a. “Sheet C-1.0, Site Development Plan”, prepared by Godfrey Hoffman Associates, dated September 9, 2013, revised to October 23, 2013 and drawn at a scale of 1” = 20’.
 - b. “Sheet C-2.0, Erosion & Sedimentation Control Detail & Notes,” prepared by Godfrey Hoffman Associates, dated September 9, 2013, revised to October 23, 2013 not drawn to scale.
 - c. “Sheet C-3.0, Details” prepared by Godfrey Hoffman Associates, dated September 9, 2013, revised to October 23, 2013 not drawn to scale.
8. Plans entitled “Lot 2 Development, Lot 2 John Street, Derby, Connecticut” with the following attached drawings:
 - a. “Sheet C-1.0, Site Development Plan,” prepared by Godfrey Hoffman Associates dated September 9, 2013, revised to October 23, 2013 and drawn at a scale of 1” = 20’.
 - b. “Sheet C-2.0, Erosion & Sedimentation Control Detail & Notes,” prepared by Godfrey Hoffman Associates, dated September 9, 2013, revised to October 23, 2013, not drawn to scale.
 - c. “Sheet C-3.0, Details,” prepared by Godfrey Hoffman Associates, dated September 9, 2013, revised to October 23, 2013 not drawn to scale.

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

1. Stipulations 1, and 2-11 from the original approval #11111401 dated January 11, 2012 still apply.
2. A revised easement plan prepared by a licensed surveyor shall be prepared depicting the bearings and distances of the revised easement and filed on the Derby Land Records.
3. The manhole at the intersection of John Street and Sodom Lane shall be relocated so the pipe into the catch basin is located entirely within the right of way. Additionally, the invert of the manhole shall be set so that the maximum grade of the 12" pipe is 10.0%.
4. The developer/contractor shall provide the City of Derby with a 24-hour contact number and shall notify the city engineer 48 hours prior to the installation of the on-site drainage systems.
5. Submit written confirmation that the deeds for these lots reference the regulated areas on site and the stipulated conditions of the wetlands permit approval. All other conditions shall apply.
6. 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.
7. 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.

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

500 NHA, LLC – APPLICANT. Seeking permission for removal of trees and vegetation more than six feet high at 500 New Haven Avenue, Lot #39, Tax Map 4-3.

Mr. McEvoy stated that he has looked at the area but has not reviewed the plan yet. There was no one present to discuss the matter and it will be continued to the December meeting.

Discussion – Revisions to Fee Schedule

Mr. McEvoy presented two proposals of revisions to the fee schedule for the members to consider. He stated that both revisions include a provision that the applicant will be responsible for the fee to the State of Connecticut DEEP. He stated that if a public hearing is required on an application the fee in that instance would be different for a residential application. Mr. Dinice stated that a public hearing will be held and the Agency can make some minor changes during the public hearing process. Mr. Padilla stated that he was concerned with the increase in the fee for a residential application but felt that what is being proposed is fair. Mr. Padilla moved that a public hearing be scheduled for January 8, 2014 of the modifications to the fee schedule, Section 18.5 as

proposed on Schedule B. The motion was seconded by Mr. Cummings and carried unanimously.

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

Mr. Padilla moved that the following invoices from Milone and MacBroom, Inc. be approved - #64678, #64676, #65358 and #65360. The motion was seconded by Mr. Cummings and carried unanimously.

A motion to adjourn was made by Mr. Cummings, seconded by Mr. Birtwell and carried unanimously. The meeting was adjourned at 7:45 p.m.

ATTEST:

Maryanne DeTullio

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