DERBY INLAND WETLANDS AGENCY
DERBY, CONNECTICUT 06418

Paul Dince, Jr.
Paul Padilla
Ray Bowers
Jennifer Desroches
Nelson Cummings – Alt.

March 13 2019

Minutes of Derby Inland Wetlands Agency special meeting of Wednesday, March 13, 2019 at Aldermanic Chambers. City Hall, 1 Elizabeth Street, Derby. The meeting was called to order at 7:05 p.m. by Chairman, Paul Dinice.

By roll call members present were Paul Dinice, Ray Bowers and Jennifer Desroches. Also present were, Ryan McEvoyy, Milone & MacBroom, and Maryanne DeTullio, Clerk

Public Portion.

There was no one from the public wishing to speak.

Public Hearing – Application from NHA for 500 New Haven Avenue, culvert replacement.

Leo Peel was present for the applicant and stated that they are changing the existing culvert, which is bisected by a brook. There are two culverts on the property; one on the east side and one on the west side. He stated that last summer during a heavy rain the roadway was damaged. He stated that it was suggested to check and see if there was any damage to the culvert. They went into the culvert and the western one was relatively new and in excellent condition. The one on the east side showed some deterioration and it was suggested that it be changed. They will be doing work within the wetlands to remove the existing culvert and replace it with a new one. The new culvert will be the same size and length as the current one.

Brian Baker, Civil One presented the certified mailings. He stated that they are simply replacing the existing culvert. The eastern end of the roadway is depressed and they will replace the pavement. The new culvert will be the same size and will be aluminized steel pipe. He stated that all information was provided to Ryan McEvoy that he requested and they have complied with all his recommendations. Ryan McEvoy stated that they did provide calculations and the new one can adequately handle a 100 year storm. They are providing a pump bypass while the new one is being installed. He stated that the construction will only take a few weeks and all his comments have been addressed.

There was no public comment on the application. A motion to close the public hearing was made by R. Bowers, seconded by J. Desroches and carried unanimously.

Additions, deletions, corrections to the agenda.

A motion to add review and payment of bills to the agenda was made by J. Desroches, seconded by R. Bowers and carried unanimously.

J. Desroches moved to approve the payment of all bills submitted. The motion was seconded by R. Bowers and carried unanimously.

Discussion and possible action – Application from NHA for 500 New Haven Avenue, culvert replacement.

R. Bowers moved that the Ci ty 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 and after review of written and verbal information provided by the applicant, Agency members and City staff, finds the following:

1. In December of 2018, 500 NHA, LLC (Applicant) submitted an application No. 19010901 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 replacement of an existing culvert conveying the Two Mile Brook beneath an internal site driveway.

2. The limits of the wetlands have been delineated by David Lord, certified soil scientist.

3. The project proposes to replace the existing culvert that has deteriorated with a new culvert of the same capacity, length and material as the current deteriorated culvert.

4. There will be a total of 430 sf(0.01 acres) of direct wetland impacts for the purpose of installing rip-rap pads at the inlet and outlet of the culvert, 98 linear feet of disturbance to the watercourse conveyed through the culvert and approximately 4,350 sf (0.10 acres) of disturbance within the 50' regulated upland review area for the purpose of removing and replacing the existing culvert.

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, diversions, erosion control matting and dewatering basins to handle river flow during construction.

7. Information was provided by the Applicant, City staff, Commission members and the general public during the public hearing held on March 13, 2019.

8. As required by Section 10.3 of the Inland Wetlands and Watercourses Regulations the Agency has considered the documentation submitted and finds that the proposed impacts to the wetlands and watercourses are minor in nature and mostly needed to replace an existing deteriorated culvert.

Therefore, the Agency moves to approve Application No. 19010901 as presented and shown on the following documents submitted in support of the application:

1. City of Derby Inland Wetlands Agency application, dated December 11, 2018.

2. List of abutting property owners.

3. Connecticut Department of Energy & Environmental Protection (CTDEEP) Statewide Inland Wetlands and Watercourse Activity Reporting Form.

4. Plans entitled "Culvert Replacement Plan, Prepared for Orange Derby Shopping Center, 500 New Haven Avenue, Derby, Connecticut," prepared by Civil 1, dated October 31, 2018, revised to: March 4, 2019, with the following attached drawings

   a. "Cover Sheet," dated October 31, 2018
   b. "Sheet C-1.1, Culvert Replacement Plan," drawn at a scale of 1"=10'
   c. "Sheet C-1.2, Cross Sections," dawn at a scale of 1"=10'
   d. "Sheet C-2.1, Details," drawn at a scale of as noted
   e. "Sheet C-2.2, Details," drawn at a scale of as noted
   f. "Sheet C-3.1, Erosion Control Narrative & Construction Sequence," drawn at a scale of as noted.

5. Letter from Milone and MacBroom, Inc. regarding DIWA Application #19010901 dated February 21, 2019.

6. Letter from Civil 1 regarding Application #19010901, dated March 4, 2019.

7. Letter from Milone and MacBroom, Inc. regarding DIWA Application #19010901 dated March 13, 2019.

8. Testimony from the applicant and their representatives, Agency members and City staff at the Public Hearing on March 13, 2019.

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. 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.

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. 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, including the stabilization shall be filed with the City Clerk. The amount and form of the bond shall be approved by the City Engineer and Corporation Counsel.

   b. Arrange for the filing of this approval on the Derby Land Records.

   c. Prior to any clearing or earthmoving activities, the proper installation of all sediment and erosion control measures indicated on the above referenced plans.

4. As the project site is subject to flooding, the contractor shall monitor weather forecasts and stabilize the constriction site and remove equipment from flood prone areas in the event of flood warnings. All work is to be performed in conformance with the Erosion Control Narrative and Construction Sequence in the referenced documents.

5. In accordance with Section 17.1 of the Regulations ,the applicant shall obtain all required approvals from the Connecticut Department of Energy and Environmental Protection and the US Army Corps of Engineers, or provide documentation that no approval are needed prior to the start of construction.

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, 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.

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 contract 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.

11. 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.

12. 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.

The motion was seconded by J. Desroches and carried unanimously.

Approval of minutes of January 9, 2019 meeting.

R. Bowers moved to approve the minutes of the January 9, 2019 meeting. The motion was seconded by J. Desroches and carried unanimously.

A motion to adjourn was made by J. Desroches, seconded by R. Bowers and carried unanimously. The meeting was adjourned at 7:30 p.m. by Chairman Paul Dinice.

Respectfully submitted,

Maryanne DeTullio

Maryanne DeTullio, Clerk