DERBY INLAND WETLANDS AGENCY
DERBY, CONNECTICUT 06418

Paul Dince, Jr.
Paul Padilla
Rodger Birtwell
Ray Bowers
Jennifer Desroches
Nelson Cummings – Alt.
Philip Marcucio – Alt.

April 11, 2018

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, April 11, 2018 at Aldermanic Chambers. City Hall, 1 Elizabeth Street, Derby. The meeting was called to order at 7:00 p.m. by Chairman, Paul Dinice.

By roll call members present were Paul Dinice, Paul Padilla, Rodger Birtwell, Ray Bowers and Jennifer Desroches. Also present were Atty. Barbara Schellenberg, Ryan McEvoy, Milone & MacBroom, Carlo Sarmiento and Maryanne DeTullio, Clerk

Additions, Deletions, Corrections to the agenda.

Mr. Padilla moved to add release of bond for 4 Buckingham Road. The motion was seconded by Mr. Birtwell and carried unanimously.

Mr. Padilla moved to add an application from Bob's Landclearing for Marshal Lane. The motion was seconded by Mr. Birtwell and carried unanimously.

Public Portion.

There was no one from the public wishing to speak.

Approval of minutes – January 10, 2018 and March 14, 2018 meetings.

Mr. Padilla moved to approve the minutes of the January 10, 2018 meeting. The motion was seconded by Mr. Birtwell and carried unanimously.

Mr. Bowers moved to approve the minutes of the March 14, 2018 meeting. The motion was seconded by Mr. Birtwell and carried 4-0-1 with Mr. Padilla abstaining.

Application from Richard Lindner for Lot 10, Silver Hill Road for new home construction.

Richard Lindner was present and stated that there is a small portion of wetlands on the lot. The house will be situated away from the wetlands. He also stated that the drainage is over 150 feet from any of the wetlands. He stated that the house will be elevated and there will be minimal disturbance.

Mr. McEvoy sated that he received revised plans and any questions he had were answered. He stated that the drainage will be away from the wetlands and additional soil and erosion controls were added. He stated that the Commission may want to decide if they want to have medallions posted on the site. He also stated that approval is needed from Naugatuck Valley Health District for the septic system. Mr. Lindner stated that they have approved it.

Mr. Bowers 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. On March 5, 2018, Richard Lindner submitted application No. 18031401 for activities in upland areas adjacent to the wetlands. The activities are associated with the development of single family house.

2. An Wetlands/Watercourses and Soil Reprot has been prepared by Soil Science and Environmental Services, Inc. which identified the existing site conditions including current wetland soils delineation.

3. There will be no direct impacts to the wetlands and no disturbance within 50' regulated upland review area for the purpose of constructing the house, driveway, site grading and associated utilities.

4. That the 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 Declaratory ruling.

5. The project proposes to mitigate increases in runoff from the proposed house and driveway with infiltration galleries.

6. The lot is to be served by public water and subsurface sewage disposal system.

7. Sedimentation and erosion control measures have also been incorporated into the design including sediment filter fence, haybales and stabilized construction entrances.

8. Information was provided by the Applicant, City Staff, and Agency members during the regularly scheduled meeting on March 14, 2018 and April 11, 2018.

Therefore, the Agency moves to approve Application No. 180314-01 as presented and shown on the following documents submitted in support of the application:

1. "Site Development Plan – Richard Lindner – Silver Hill Road" prepared by D'Amico Associates, dated January 3, 2014, and revised through March 14, 2018 drawn at a scale of 1"=20.

2. "Wetlands/Watercourses & Soils Report," prepared by Soil science and Environmental Services, Inc., dated October 18, 2013.

3. Derby Inland Wetlands Agency (DIWA) application and supporting documents.

4. Letter from Milone and MacBroom, Inc. dated March 23, 2018.

5. Letter from MIlone and MacBroom, Inc. dated April 11, 2018.

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 shall place medallions prescribed by the DIWA at intervals of no less than 50' on 4" x 4" posts or existing trees along the 50' regulated upland review area boundary in two locations.

2. The applicant shall notify the City Engineer a minimum of 48 hours prior to the commencement of excavation for the installation of the storm drainage infiltration structures.

3. Per Section 18.5 of the Regulations, the DIWA approves the application as a Declaratory ruling the applicant shall pay a fee of $100.00 to the City of Derby Finance Office.

4. 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.

5. Any further changes or modifications to the application presented shall be submitted to the DIWA to determine if additional review and approval is necessary.

6. 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 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.

b. Arrange for the filling 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

7. 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.

8. All disturbed areas on the site not directly required for construction activities shall be temporarily hayed and seeded until permanent vegetation is established.

9. 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.

10. 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.

11. 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.

12. 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. Padilla and carried unanimously.

Application from Bob's Landclearing, Inc. for Marshall Lane.

Nick Zito and Robert Carrington were present for the applicant and indicated that this activity is allowed as a matter of right. Mr. Dinice stated that it may be but they will be crossing at least one wetlands. He also asked where they will be entering the property. Mr. Zito stated that access will be through Woodbridge. Mr. Sarmiento noted that the local Wetlands Agency needs to be aware of the activity. He stated that he has been receiving a lot of phone calls regarding this activity. He stated that it is being very professionally done but they will be crossing one wetlands. Mr. Carrington stated that the property is being sold. Mr. Dinice stated that the Agency would like to know the duration of the project, the hours of operations and the number of pieces of equipment

and the type of equipment that will be used. Mr. Carrington sated that they have received approval from Woodbridge. Mr. Sarmiento stated that he spoke with someone in Woodbridge an informed them that the work will be d one in Derby. Mr. Dinice also asked for a map clarifying where the wetlands are located. Mr. Sarmiento stated that they came in three weeks ago and now an additional name was added to the application which changes everything. Atty. Schellenberg stated that she would like to look into the jurisdictional issues and does not have enough information at this time.

Mr. Zito stated that it is not a clear cut project, they are taking down marked trees. Mr. Dinice stated that the attorney will be reviewing the information and also getting any comments from DEEP. Mr. McEvoy noted that they should provide the duration of the project, hours of operation and type of equipment that will be used.

No action was taken on the application.

Request for Release of bond, 4 Buckingham Road

Mr. McEvoy stated that they are requesting a release of the bond in the amount of $4,950.00. He stated that the project was approved approximately 12-15 years ago and constructed at least ten y ears ago. He stated that the approval required a bond for soil and erosion controls and installation of a small detention basin, plantings and connection to catchbasin on Buckingham Road. He stated that he reviewed the property and it is stabilized and the basin in place and everything seems to be fine. Mr. Padilla moved to approve the release of the bond in the amount of $4,950.00. The motion was seconded by Mr. Birtwell and carried unanimously.

Payment of Bills

Mr. Padilla moved to approve the payment of the following invoices from MIlone and MacBRoom - Invoice #94932 - $640.00 and Invoice #84942 $531.80. The motion was seconded by Mr. Bowers and carried unanimously.

Discussion of new and old business brought before this Agency.

There was no new or old business brought before the Agency.

A motion to adjourn was made by Mr. Padilla, seconded by Mr. Birtwell and carried unanimously. The meeting was adjourned at 7:50 p.m. by Chairman Paul Dinice.

.

Respectfully submitted,

Maryanne DeTullio

Maryanne DeTullio, Clerk