

**DERBY INLAND WETLANDS AGENCY
DERBY, CONNECTICUT 06418**

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

January 13, 2016

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, January 13, 2016 at Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby. The meeting was called to order at 7:00 p.m. by Acting Chairman Paul Dinice.

By roll call members present were: Paul Dinice, Paul Padilla, Jennifer Desroches and Rodger Birtwell. Also present were Ryan McEvoy, Milone & MacBroom and Maryanne DeTullio, Clerk.

Election of Officers

Mr. Dinice stated that he has been acting at temporary chairman for a while. He stated that when the chairman was absent there was no framework for anyone to serve in that capacity. He stated that the Board needs to have by-laws and he has started writing those up. They will be referred to the corporation counsel for review and also to the members. He stated that the members need to decide what officers they want to have and election should be held at the next meeting. Mr. Dinice stated that there could be a chairman, vice chairman and secretary. Mr. McEvoy asked the duties of the secretary. Mr. Dinice stated that is something that would be in the by-laws. Mr. Dinice stated that the adoption of by-laws and election of officers will be on the next month's agenda.

Additions, Deletions, Corrections to the Agenda

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

Public Portion

Richard Dziekan, 17 Krakow Street, Derby stated that he had concerns with the application for 88 Sodom lane and how much more water will be going into Two Mile Brook. He stated that they will be increasing the driveway area and there have been problems in that area before. Mr. McEvoy stated that at this time no public hearing has been scheduled for this application. He advised the members to get the consent from the applicant to allow public comment.

Atty. Matthew Jalowiec, representing Jalowiec Associates, abutting property owner to 88 Sodom Lane stated that the plans were not available in the Building Department for the public to review. He asked if the board will be scheduling a public hearing and if the plans will be made available to the public.

Joseph Jalowiec, 90 Sodom Lane stated the board has always held a public hearing in the past. He stated that he went to the Building Department and was told that there were no plans or application but later found out that they were there.

Mr. Dinice stated that the plans should be on file with all accompanying documents. Atty. Jalowiec asked when the application was filed. Mr. McEvoy stated that it was received by the Agency in October and the applicant granted an extension. He stated that without the consent of the applicant the Board will have to act by January 15, 2016. He also stated that the Board needs to determine if this is a significant activity. The Board has the ability to decide how they want to proceed on this application. They can request an extension and hold a public hearing at the next meeting.

Approval of Minutes – June 10, 2015 and October 14, 2015 meetings – July, August, September and December meetings cancelled.

Mr. Birtwell moved to approve the minutes of the June 10, 2015 and October 14, 2015 meetings. The motion was seconded by Ms. Desroches and carried unanimously.

Application to perform regulated activity from Stuz, LLC at 88 Sodom Lane, Derby.

Robert Pryor, engineer for the applicant stated that they will be redeveloping the existing site for use as an animal hospital. They will be providing additional parking for the use and the square footage of the building will be increased. There will be handicap accessibility provided and an increase in the impervious coverage for the parking area and some sidewalks and ramps. There will be a detention basin in the rear of the property to reduce the runoff. He stated that all activity is outside of the 50 foot wetlands review area and there will be no flooding to anyone abutting the property as a result of this project. Mr. Pryor stated that soil and erosion control measures have been provided and they reviewed the comments from Milone & MacBroom and can accommodate those.

Mr. Dinice stated that a letter dated January 12, 2016 was received from Milone & MacBroom. Mr. McEvoy read the letter into the record (copy attached).

Atty. Jalowiec asked if this is a significant activity. Mr. McEvoy stated that it is up to the board to determine if it is a significant activity. Atty. Jalowiec asked if the applicant will grant the extension. The applicant granted the extension. Mr. Dziekan asked if there will be galleys to hold the water. They are making the parking area larger and more water that will need to be infiltrated. Mr. Pryor stated that they are proposing a detention basin and the calculations show that there will be less volume that what is occurring there now. Mr. Dziekan stated that he was concerning about flooding in that area. Mr. Pryor stated that this project will improve that condition.

Mr. Dinice stated that it is a pretty typical design on how the drainage is being contained on the site. Mr. McEvoy stated that the applicant did soil testing and the plans show that the runoff will be directed into the area where it will be infiltrated into the ground. The drainage is directed toward Two Mile Brook and not Sodom Lane. He stated that after review of the plans they found it to be reasonable. Atty. Jalowiec asked how much more pavement is being added. Mr. Dinice stated that they are proposing twelve parking spaces and a small corridor area. Mr. Pryor stated that the town engineer did a thorough review of the plans. He stated that they have allowed the public to speak on the applicant and have provided information and a complete and full application.

Mr. Dinice stated that the board needs to determine the type of activity being proposed. Mr. McEvoy stated that the board can call for a public hearing based on public concern with an application even if it is not a significant activity. Mr. Dinice stated that he did not feel it was a significant activity but there are neighbors who want the opportunity to voice their opinions and review the plans. He thanked the applicant for granting the extension and apologized that the plans were not available for public review.

Mr. Padilla moved to schedule a public hearing on this application at the February 10, 2016 meeting. The motion was seconded by Mr. Birtwell and carried unanimously.

Discussion of new and old business brought before this agency.

There was no other business to discuss.

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

Respectfully submitted,



Maryanne DeTullio, Clerk



January 12, 2016

Mr. Paul M. Dinice
Acting Chairman
Derby Inland Wetlands Agency
68 Seymour Avenue
Derby, CT 06418

**RE: STUZ, LLC
88 Sodom Lane
Derby, Connecticut
MMI #1564-20-10**

Dear Chairman Dinice:

Pursuant to your request, we have reviewed the documentation submitted in support of the above-referenced application. The following documents were received for review:

1. Plans entitled "Site Development Plan, Prepared for STUZ, LLC, 88 Sodom Lane, Derby, Connecticut," prepared by Robert Pryor, P.E., L.S., 115 Newton Road, Woodbridge, Connecticut dated December 1, 2015 with the following attached drawings
 - "Site Development Plan," drawn at a scale of 1"=20'
 - "Existing Conditions Survey," drawn at a scale of 1"=20'
 - "Soil Erosion and Sediment Control Plan," drawn at a scale of 1"=20'
 - "Site Layout Plan," drawn at a scale of 1"=20'
2. "Stormwater Management Report, Prepared for STUZ, LLC, 88 Sodom Lane, Derby, Connecticut," prepared by Robert Pryor, P.E., L.S., 115 Newton Road, Woodbridge, Connecticut dated December 1, 2015
3. "Soil Investigation & Wetland Delineation Report, Prepared for Andrew Mortensen, 56 Highland Avenue, Ansonia, Connecticut," prepared by CARYA Ecological Services, LLC, 115 Newton Road dated December 1, 2015

Based upon the documentation received, we offer the following comments regarding this application. (Please note that comments are directed at wetlands-related concerns. Additional comments related to zoning concerns will be provided to the Derby Planning and Zoning Commission.)

1. The plans as currently proposed include no activity with the 50' regulated upland review area. In past applications, the Derby Inlands Wetlands Agency (DIWA) has considered the use of conservation easements, wetland markers, fencing, or a combination thereof in order to discourage future encroachment into the regulated area or wetlands. DIWA may wish to consider these provisions on this application.

Milone & MacBroom, Inc., 99 Realty Drive, Cheshire, Connecticut 06410 (203) 271-1773 Fax (203) 272-9733
www.miloneandmacbroom.com

2. The Derby Planning and Zoning Regulations require a minimum of 5' of landscaped buffer from the parking area to the property line. The plans depict a 4' separation distance to the westerly property line.
3. Additional spot elevations in the parking area should be added to clarify the pitch of the parking area. Presently, it appears that the parking lot may include areas with less than 1% in grade.
4. We take no exception to the use of modified riprap as a means to convey runoff from the parking and its use as the crest of the basin. Given the low rates of runoff, the applicant may wish to consider rounded cobbles or permanent erosion control blankets for aesthetic purposes.
5. The existing and proposed runoff curve numbers (CN numbers) are included in the Stormwater Management Report. While the existing and proposed CN values appear reasonable, backup information should be provided to verify how those CN numbers were calculated.
6. We recommend that the grading in the lawn area to the south of the stormwater infiltration basin include a gentle swale directing surface runoff to the basin (upslope of the 50' regulated upland review area). The use of the parcel as an animal hospital will likely include animal waste in the lawn area and directing it to the infiltration area will assist in the renovation of the runoff prior to entering the wetland corridor.
7. The use of the infiltration area as a temporary sediment trap is acceptable. However, we recommend that the bottom elevation of the temporary sediment trap be set a minimum of 6" above the bottom elevation of the finished basin until the site work is generally complete to avoid siltation of the native soil. Once the parking lot is paved, the accumulated silt can be removed, and finished grade of the basin can be established and planted.

Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

MILONE & MACBROOM, INC.



Ryan McEvoy, P.E.
Lead Project Engineer, Civil

cc: Mayor Anita Dugatto – City of Derby
Carlo Sarmiento – Wetland Enforcement Officer
Marjorie Shanksy, Esq. – Derby Inland Wetlands Agency Counsel
Andrew Mortensen – Applicant