

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

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

**February 10, 2016**

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, February 10, 2016 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, Paul Padilla, Jennifer Desroches and Rodger Birtwell. Also present were Atty. Marjorie Shansky, Ryan McEvoy, Milone & MacBroom, Carlo Sarmiento, Building Official and Maryanne DeTullio, Clerk.

Election of Officers and Acceptance of By-laws

Mr. Dinice stated that he drafted some by-laws for the Agency and asked for input from everyone regarding them. They will still have to be referred to the attorney for review. Atty. Shansky stated that she will review them and conform them to the Charter. Mr. McEvoy stated that State statute allows for a member to determine if an application is necessary and in the past the chairman made that determination and then informed the members. Atty. Shansky stated that she is in the process of reviewing the regulations. Mr. Dinice asked the members to review the proposed by-laws and get him any comments or changes. He stated that another draft will be prepared and then can be referred to the attorney.

Mr. Birtwell moved that the election officers be held this evening. The motion was seconded by Ms. Desroches and carried 3-1 with Mr. Padilla opposed. Mr. Padilla stated that he would like to review the by-laws before holding the election of officers.

Mr. Birtwell moved to nominate Paul Dinice for Chairman. The motion was seconded by Mr. Padilla and carried unanimously (4-0). Mr. Padilla moved to nominate Jennifer Desroches for Vice Chairman. The motion was seconded by Mr. Birtwell and carried unanimously (4-0). Ms. Desroches moved to nominate Paul Padilla for Secretary. The motion was seconded by Mr. Birtwell and carried unanimously (4-0).

Additions, Deletions, Corrections to the Agenda

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

Public Portion

There was no one from the public wishing to speak.

Approval of Minutes – January 13, 2016

Mr. Birtwell moved to approve the minutes of the January 13, 2016 meeting. The motion was seconded by Mr. Padilla and carried unanimously (4-0).

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

Mr. Padilla read the legal notice of the public hearing. Robert Pryor, engineer representing Stuz, LLC stated that the property is located on the south side of Sodom Lane and is approximately one acre in size. He stated that currently about 60% of the site is developed with impervious coverage and lawn area. He stated that Two Mile Brook is in the rear of the site. It runs through the site and then exits by two 5 X 8 culverts and the property slopes from front to back. There is some drainage that comes down Marshal Lane and discharges into Two Mile Brook.

Sigrun Gadwa, soil scientist with Carya Ecological Services stated that she inspected the site and the bank of the brook is very abrupt. She stated that there are good draining soils on the property. She stated that the increased development to the site will be only about 1/10 of an acre. The existing structure is not changing. They will be increasing the parking area and sidewalk and handicap access ramps. The lawn area stays approximately the same. She stated that an analysis of the drainage and runoff was done. There will be four additional parking spaces. The stormwater management was designed in the event that additional parking is needed in the future. Mr. Pryor stated that those spaces will not be built at this time. He stated that the discharge to the brook is reduced and in doing the analysis he looked at all storm events from two years to one hundred years. He also stated that the volume and rate of runoff will be reduced. The plans meet the State of Connecticut DEEP regulations for water quality and treatment. There are good draining soils and infiltration. Ms. Gadwa stated that there are no direct wetlands impacts. A small portion of the upland review area will be disturbed. There will be a vegetated buffer which will also absorb some of the water. Mr. McEvoy stated that they are not proposed any activity in the upland review area.

Mr. Pryor stated that there were some concerns regarding potential flooding in the area and the impact to Two Mile Brook. He presented a drawing of the entire watershed area. He stated that this is a very small area that is changing from woods to impervious surfaces. Atty. Shansky noted that the site plans and drawings presented will be marked as exhibits and will be part of the record. Mr. Pryor stated that he looked at the flooding that has occurred in the area and there is a small culvert on Route 34 that Two Mile Brook drains into which backs up and causes the flooding in the Krakow Street area. He stated that he does not feel that the small amount of work that they will be doing will increase or cause any problems to the Krakow Street area.

Mr. Birtwell asked if there will be fencing and markers on the property. Mr. McEvoy stated that in similar circumstances the Agency has required markers along the review area and this is a prudent way to identify the area that should not be disturbed.

Mr. Birtwell asked about the fence area and if it will be a kennel. Andrew Martinson stated that it will not be a kennel but used as an outside dog run. He stated that it is an animal hospital and there might be instances when an animal will need to be kept overnight but it is different from a boarding facility.

Mr. Dinice asked about the parking and what the additional future parking will be. Mr. Pryor stated that they are required to have ten spaces. They have three spaces the way it is now and will be adding more spaces. Mr. Dinice asked for any public comment.

Atty. Matthew Jalowiec, 439 Main Street, Wallingford representing Jalowiec Realty submitted his comments and also stated that there is nothing on the plans showing where the sewers or septic is. He also stated that the grades and elevations of the adjacent properties are not shown on the plans. He also stated that no alternative plans were submitted.

Joseph Jalowiec, 90 Sodom Lane stated that there are some issues that they are concerned about. He stated that water backs up on Route 34 and a good amount comes down from Marshal Lane and the hilltop area and backs up in this area. He stated that the elevations of his property is missing which is lower and will be flooded.

Richard Dziekan, 17 Krakow Street stated that he is concerned that water back up on Krakow Street. He did not feel that Two Mile Brook could take any more water. He stated that he lives in the area and any additional water will cause flooding.

Joseph Jalowiec presented a picture of the pond in the rear of the property which was filled with boulders. Mr. Dinice asked if this property has been flooded. Mr. Jalowiec stated that it has come onto his property and this is a major concern to him. Atty. Shansky stated that the report from Atty. Jalowiec will be marked as an exhibit and be mark of the record. Mr. Jalowiec stated that there is also a report from his engineer Jim Rotondo which is part of their submittal. Atty. M. Jalowiec stated that the soil and erosion control plan does not show any grades. Mr. Pryor stated that he understands the concerns about flooding. He stated that the plans do show the existing water service to the house and approximate location of the sewers. He stated that regarding the topography of the adjacent property, he could have gone there but could have been told to leave. He also stated that the kennel is not paved, it is fenced in area which will not be paved or have a roof over it. He also stated that alternate plans are required when there is a direct wetlands impacts and there are no direct impacts with this plan. He also stated that he does not feel that this site has anything to do with the flooding on Krakow Street. He felt that it was because of the capacity of the existing culverts that being able to handle the water. He stated that regarding the grades there is a small section that will be curbed so that no water can go from the paved area onto adjacent properties. He stated that the infiltration basin is very large for this development and can handle the water.

Mr. McEvoy stated that there is a provision for alternatives when there are direct impacts or the application is considered significant. They are not proposing to alter the wetlands and it was determined that it is not significant. He stated that Planning &

Zoning cannot act until this Board makes a decision. They are not proposing any activity in the upland review area and he did not see any issue with the drainage as it pertains to the wetlands. Atty. Shansky noted that the submittals from Atty. Jalowiec will be part of the record.

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

Mr. Padilla stated that he can understand the concerns but with the detention basin and curbing it seems like they are doing everything to make it safer. Mr. Birtwell stated that the major problem is with the DOT culvert on Route 34. Mr. Dinice stated that this is a relatively small area of impervious surface. He stated that he also understands the concerns downstream. He stated that he reviewed the infiltration basis calculations and feels it will function well. He did not feel that it is a significant activity and the additional runoff has been addressed. The members agreed that they would like to see wetlands markers on the site.

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 and public finds the following:

1. On October 14, 2015 Stuz, LLC submitted an application NO. 15101401 for activities in upland areas adjacent to the wetlands. The activities are associated with the development of an animal hospital including the construction of a parking area and a stormwater infiltration system.
2. An On-Site Soils Investigation Report has been prepared by CARYA Ecological Services, LLC which identified the existing site conditions including current wetland soil 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 parking area and infiltration basin.
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 Declaratory ruling.
5. Information was provided by the Applicant, City staff, Agency members and the public during the regularly scheduled meeting on October 14, 2015 and January 13, 2016, and the Public Hearing held on February 10, 2016.

Therefore, the Agency moves to approve Application No. 15101401 as presented and shown on the following documents submitted in support of the application:

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, revised to January 22, 2016 with the following attached drawings:
  - a. "Site Development Plan," drawn at a scale of 1"=20'
  - b. "Existing Conditions survey," drawn at a scale of 1"=20'
  - c. "Soil Erosion and Sediment Control Plan," drawn a a scale of 1"=20'
  - d. "Site Layout Plan," drawn a 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, revised to January 26, 2016.
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.
4. Letter from Milone and MacBroom, Inc. dated January 12, 2016.
5. Letter from Milone and MacBroom, Inc. dated February 4, 2016.
6. Packet from Jalowiec Realty, LP dated February 10, 2016.

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

1. The stormwater infiltration basin may utilize rounded cobbles or reinforcement matting in lieu of modified rip rap.
2. The applicant shall place medallions prescribed by the DIWA at intervals of no less than 50' on 4"x4" posts along the 50' regulated upland review area boundary.
3. Per section 18.5 of the Regulations, the DIWA approves the application as a Declaratory ruling and the applicant shall pay the appropriate fee 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 applicant presented shall be submitted to the Derby Inland Wetlands Agency 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 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.
  - 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 .
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 expressed or implied, that future regulated activities will be permitted on this site.

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

## Payment of Bills

A motion to approve the following invoices from Milone & MacBroom #75129, #75077 and #74415 was made by Mr. Padilla, seconded by Ms. Desroches and carried unanimously.

Discussion of new and old business brought before this Agency.

Mr. Padilla asked who is responsible for inspecting the culvert on Route 34. Mr. McEvoy stated that it is the State of Connecticut. He stated that maintenance is critical and he thought that the DOT does periodic inspections but did not know how frequently. Atty. Shansky stated that there is a meeting scheduled soon with the COT and this could be brought up at that meeting.

A motion to adjourn was made by Mr. Padilla, seconded by Mr. Birtwell and carried unanimously. The meeting was adjourned at 9:00 p.m.

ATTEST:

  
Maryanne DeTullio

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