

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

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

April 13, 2016

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, April 13, 2016 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, Jennifer Desroches and Ray Bowers. Also present were Atty. Marjorie Shansky, Carol Sarmiento, WEO and Maryanne DeTullio, Clerk.

Acceptance of By-laws

Atty. Shansky stated that she reviewed the proposed by-laws and some minor changes made some minor changes in accordance with the City Charter. Mr. Dinice stated that there was a situation when the former chairman became ill and a temporary chairman was appointed. There is now a procedure established regarding when elections will be held and the officers that will be elected. Atty. Shansky stated that she felt that this was a good set of by-laws. Ms. Desroches moved to accept the by-laws. The motion was seconded by Mr. Padilla and carried unanimously.

Additions, deletions, corrections to the agenda

Mr. Dinice stated that there were no additions, deletions or corrections to the agenda. He did state that a training session will be scheduled prior to the regular meeting in May.

Public Portion

There was no one from the public wishing to speak.

Approval of Minutes – March 9, 2016

Mr. Padilla moved to approve the minutes of the March 9, 2016 meeting. The motion was seconded by Mr. Birtwell and carried unanimously.

Application to conduct a regulated activity from Gilbert DeBrum for 80 Stelmack Road for construction of single family home.

Mr. DeBrum was present and stated that revised plans were submitted and reviewed by the city engineer. Mr. Dinice stated that the city engineer is satisfied with the plans but did question the right to extend utilities on the private roadway. Mr. DeBrum stated that he checked with his attorney and also reviewed his deed regarding this. He stated that there is permission to go through for whatever is necessary. Mr. Dinice stated that the Agency will need to see a copy of that document. Mr. Sarmiento stated that it could be made a condition of the approval that no building permits will be issued until that document is provided and reviewed. Mr. Dinice stated that two review letters were received from Milone & MacBroom and the letter dated April 13, 2016 was read into the record (copy attached).

Mr. Padilla moved that the City of Derby Inland Wetlands Agency (DIWA), based upon the information provided by the applicant finds the following:

1. A report has been prepared by Soil Science and Environmental Services, Inc., which identified the existing site conditions including current wetland soils delineation.
2. There will be no direct impacts to the wetlands and a total of 900 square feet of disturbance within 50' regulated upland review area for the purpose of constructing the water and sewer laterals.
3. The proposed project does not involve a significant impact on an inland wetland or watercourse as defined in the regulations and will require a summary ruling.
4. Sedimentation and erosion control measures have been incorporated into the design including sediment filter fence, stabilized construction entrances, etc.

Therefore, the Agency moves to approve Application No. 16030901 as presented and shown on the following documents submitted in support of the application:

1. "Site Development Plan – Gil DeBrum – Stelmack Drive", prepared by D'Amico Associates dated 02/18/2014 and revised through 4/12/16, drawn at a scale of 1"=20'.
2. "Wetlands/Watercourses & Soils Report", prepared by Soil Science and Environmental Services, Inc., dated January 28, 2014.
3. Derby IWA Application and Supporting Documents.
4. Letters from Milone and MacBroom, Inc. dated 4/8/2016 and 4/13/2016.

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 Wetlands Enforcement Officer.
2. Any significant 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. Arrange for the filing of this approval on the Derby Land Records.
  - b. Installation of all sediment and erosion control measures indicated on the plans.
  - c. 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 form of the bond shall be approved by the City Engineer and Corporation Counsel.
  - d. Written confirmation that the deed of the property references the regulated areas on site and the stipulated conditions of this approval.
4. All disturbed areas on the site not directly required for construction activities shall be temporarily hayed and seeded until permanent vegetation is established.
5. Pavement repair and restoration within any and all City streets shall include the full width mill and overlay of the existing pavement within the limits of the area of disturbance. Contractors working within any city right of way shall be insured and bonded appropriately and all work shall be coordinated with the Derby Department of Public Works.
6. 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.
7. 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.

8. Approval from the Water Pollution Control Authority is required for the proposed sanitary sewer connection.

9. 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.

Atty. Shansky stated that another condition of approval should be added to the motion as follows:

10. No construction activity shall commence unless and until the applicant provides evidence to the Wetlands Enforcement Officer (or counsel), that he has the right to construct the proposed utilities along the private roadway. In the absence of such evidence and in the event of any changes from the Plans as reviewed by the Agency, the applicant shall provide revised plans to the Agency for review.

Atty. Shansky also recommended that in Condition No. 2, the word significant be removed and any changes or modifications to the application presented shall be submitted to the Wetlands Enforcement Officer or at his discretion to the Inland Wetlands Agency to determine if additional review and approval is necessary.

Mr. Padilla then amended his motion to include the additional conditions recommended by Atty. Shansky. The amended motion was seconded by Mr. Birtwell and carried unanimously.

#### Payment of Bills

Mr. Padilla moved that the following invoices from Milone and MacBroom is approved for payment – Invoice Nos. 75793 and 75794. The motion was seconded by Mr. Birtwell and carried unanimously.

#### Discussion of new and old business brought before this Agency.

Mr. Dinice stated that Mr. Birtwell submitted a letter regarding maps of wetlands and watercourses in the City of Derby. Mr. Sarmiento stated that they are in the process of getting those maps. Atty. Shansky pointed out that wetlands need to be delineated by a soil scientist.

Mr. Sarmiento stated that he has had no response from the owner of the detention pond at the end of Lanzieri Court and will be issuing a cease and desist order regarding that situation.

A motion to adjourn was made by Mr. Padilla, seconded by Mr. Bowers and carried unanimously. The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk