

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

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

November 9, 2016

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, November 9, 2016 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, Paul Padilla, Jennifer Desroches and Rodger Birtwell. Also present were Ryan McEvoy, Milone & MacBroom, Atty. Marjorie Shansky and Maryanne DeTullio, Clerk.

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 – October 12,2016

A motion to approve the minutes of the October 12, 2016 meeting was made by Mr. Padilla, seconded by Mr. Birtwell and carried unanimously.

Application from Lucien and James Dimeo for 1 and 2 McConney's Grove to rebuild house and add deck.

James Dimeo, Juliano Associates was present and stated that he hashed in the area of disturbance on the plans. He stated that the on-site detention has been modified and there is a small detention basin next to #2 McConney's Grove and another one to the north of #1. He stated that notes have been added to the plans regarding what will be done in the review area. Mr. McEvoy stated that he has been working with the applicant and there are just some bookkeeping items that need to be done. He stated that have worked through some of the issues regarding water quality and it meets the requirements. He also stated that they submitted a report from a soil scientist. The septic system will be located in the review area and approval for the will be coming from DEEP. He stated that prior to construction of the storm water detention basin soil and erosion controls will need to be installed.

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, finds the following:

1. On September 14, 2016 the DIWA received application No. 16091401 for activities in upland areas adjacent to the wetlands. The activities are associated with the demolition and relocation of existing house known as #1 McConney's Grove and, the reconstruction of an existing house known as #2 McConney's Grove, along with associated driveway, utility reconstruction and site work.
2. The western edge of the parcel is bounded by the Housatonic River and portions of the site include area within the 100 year flood plain.
3. A wetlands report has been prepared by Soil Science and Environmental Services, Inc. which identified the existing site conditions.
4. Sedimentation and erosion control measures have also been incorporated into the design including sediment filter fence.
5. There will be no direct impacts to the wetlands and 13,487 square feet of disturbance within 50' regulated upland review area for the purpose of constructing the houses and associated grading and utilities.
6. 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 Summary ruling.
7. Information was provided by the Applicant, City staff, and Agency members during the regularly scheduled meeting on September 14, 2016, October 12, 2016 and November 9, 2016.

Therefore, the Agency moves to approve Application No. 16091401 as presented and shown on the following documents submitted in support of the application:

1. City of Derby Inland Wetlands Agency (DIWA) Application.
2. Plan entitled "Improvement Location Survey Proposed Improvements, #1 and #2 McConney's Grove, Roosevelt Drive, Derby Connecticut", at a scale of 1"=20' dated: 8/31/2016, revised to 11/9/2016, prepared by Juliano Associates.
3. Plan entitled "Sediment and Erosion Control Plan, Proposed Improvements, #1 and #2 McConney's Grove, Roosevelt Drive, Derby, Connecticut", at a scale of 1"=20' dated: 11/9/2016, prepared by Juliano Associates.

4. Plan entitled "Erosion Control Specifications, Proposed Improvements, #1 and #2 McConney's Grove, Roosevelt Drive, Derby, Connecticut", at a scale of 1"=20' dated: 10/6/2016, prepared by Juliano Associates.
5. Plan entitled "Overall View, Pink House Point, Inc., Property at McConney's Grove, Roosevelt Drive, Route 34, Derby, Connecticut", at a scale of 1"=100' dated 2/7/2003, revised to 4/9/2003, prepared by: Clarke and Pierson Associates, Inc.
6. Plan entitled "Property Boundary Survey, Pink House Point, Inc., Property at McConney's Grove, Roosevelt Drive, Route 34, Derby Connecticut, sheets 1 of 2 and 2 of 3 and 3 of 3", at a scale of 1"=40', dated 2/7/2003, revised to 4/9/2003, prepared by Clarke and Pierson Associates, Inc.
7. Letter from Dave Zitnay, President of Pink House Point, Inc.
8. "Soils Investigation Report", dated 9/17/2016, prepared by Pietras Environmental Group, LLC.
9. Stormwater Drainage Report dated 10/6/2016, prepared by Juliano Associates.
10. Letter from James Dimeo Associates regulated activities within the upland review area, the floodplain and the floodway.
11. Statewide Inland Wetlands & Watercourses Activity Reporting Form.
12. Statement of Use.
13. Letter from Milone and MacBroom, Inc. dated October 4, 2016.
14. Notice to Shelton dated September 15, 2016.

In addition to the requirements listed in Sections 11.9, 11.12 and 11.13 of the Regulations, 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, including revisions to the septic system leaching fields as shown on the referenced documents 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 installation of the stormwater detention areas, the applicant shall perform a test pit in the presence of the City Engineer to verify that the soil conditions are suitable for stormwater collection and retention. The City Engineer shall have the authority to require modifications to the stormwater detention areas as conditions may warrant.
4. 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.
5. No refueling of equipment or vehicles shall be performed on the parcel.
6. No construction equipment or construction materials shall be stored below the floodplain elevation. If the weather forecasts indicate the possibility of a major weather system within 24 to 48 hours, the contractor shall plan for the possibility of high water levels in the river.
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. Identity of the qualified party shall be provided to the Wetland Enforcement Officer prior to construction.
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, including temporary erosion control blankets on exposed steep slopes.

10. 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.
11. 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.
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 \$100.00 to the City of Derby Finance Office.

The motion was seconded by Mr. Birtwell and carried unanimously.

Adopt Meeting Schedule for 2017

Mr. Padilla moved to adopt the meeting schedule for 2017. Meetings will be held on the second Wednesday of each month at 7:00 p.m. The motion was seconded by Mr. Birtwell and carried unanimously.

16 John Street – Informal Discussion

Carlo Sarmiento, WEO stated that the buffer between #16 John Street and #14 John Street has fewer and smaller trees than what was approved. Mr. Dinice asked if there is still a bond in place for this project. Mr. Sarmiento stated that he will check on that. Atty. Shansky asked to have a copy of what was approved for the Agency to review and compare with what is there now. Mr. McEvoy stated that the plantings are a requirement of Planning and Zoning on a flag lot. Mr. Sarmiento stated that it is very close to the wetlands buffer. He stated that he will get more information on this and update the board at the next meeting.

Payment of Bills

Mr. Padilla moved that Invoice No. 78524 in the amount of \$616.60, Invoice No. 78525 in the amount of \$599.00 and Invoice No. 78526 in the amount of \$972.25 from Milone and MacBroom be paid. The motion was seconded by Mr. Birtwell and carried unanimously.

Mr. Padilla moved that Invoice No. 4829 in the amount of \$234.00 from Atty. Marjorie Shansky be paid. The motion was seconded by Mr. Birtwell and carried unanimously.

Discussion of new and old business brought before this agency.

Atty. Shansky stated that she received an e-mail about trees being removed at Orangewood East but needs more information regarding this. Mr. McEvoy stated that comments were made at the last meeting about activities at Witek Park. He stated that some work will be done at the upper dam in the spring. He stated that the spoke Public Works Director that plans for that work will need to be reviewed by this Agency.

Mr. Padilla stated that he recently attended the downtown meetings that were held and it appears that there will be a lot of activities done along Main Street and did not know if this will need to be reviewed by this Agency. Mr. McEvoy stated that he was not sure how much would have to come before this Board.

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.

ATTEST:



Maryanne DeTullio

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