# DERBY INLAND WETLANDS AGENCY
# DERBY, CONNECTICUT 06418

**Paul Dinice, Jr., Chairman**

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

**August 8, 2018**

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, August 8, 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, Ray Bowers, Jennifer Desroches and Rodger Birtwell. Also present were Ryan McEvoy, Milone & MacBroom, Carlo Sarmiento and Maryanne DeTullio, Clerk.

Public Portion

There was no one from the public present wishing to speak.

Application from Cody J. Savoy, P.E. for construction of a single family residential home and related infrastructural (septic, well and stormwater infiltration) at 11 Great Hill Road.

Cody J. Savoy was present and stated that this lot was previously approved in 2003 or 2004. He stated that the drainage and soil and erosion control will remain the same. There is a small amount of ill in the front but that will not affect the drainage patterns. All work will be within the regulated area.

Ryan McEvoy noted that Valley Health has approved the well and septic system. He also stated that he prepared his review letter and reviewed the plans that were previously approved. He stated that the septic and drainage is similar to what was previously approved. He stated that there is a large piece of property to the rear which drains toward this property and he recommended that they pickup as much of that drainage to the south. He noted that the Planning and Zoning approval in 2004 recommended that a bond be posted. He also stated that the placement of conservation markers are up to the Agency to determine.

He stated that the application was submitted prior to the July meeting and there is no need for a public hearing unless it is deemed a significant activity or if someone from the public petitions to have a public hearing. No one has asked for a public hearing and it is not a significant activity.

Mr. Dinice stated that the markers should be on 4 x 4 posts and the placement can be determined by the Wetlands Enforcement Officer.

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 July 11, 2018 the DIWA received an application from Cody Savoy for activities in upland areas adjacent to the wetlands. The activities are associated with the development of single family house.

2. The existing site conditions depicted on the supporting documents match those Depicted on the documents shown in the original DIWA approval from 2003.

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 private well 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 August 8, 2018.

Therefore, the Agency moves to approve Application No. 180711-01 as presented and shown on the following documents submitted in support of the application:

a. Plans entitled "Submission to Begin Sitework, 11 Great Hill Road, Previously Lot 4 LMC Estates, Derby, CT 06418," containing four sheets drawn at varying scales, dated May 25, 2018, revised to June 13, 2018, and prepared by Cody J. Savoy, PE.

b. Application package including abutters list and DEEP Statewide Inland Wetlands Activity Reporting Form.

c. Letter from Milone and MacBroom, Inc. dated 8/6/2018.

d. Email correspondence from the owner of the property granting consent to the application.

e. Testimony from the applicant, the DIWA, and City staff at the regularly scheduled meeting on August 8, 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 five locations as discussed at the August 8, 2018 regular meeting on 4" x 4" posts or existing trees along the 50' regulated upland review area boundary.

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 and 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 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. Arrange for the filing of this approval on the Derby Land Records.
    b. 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 50feet 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, the future regulated activities will be permitted on this site.

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

Discussion of new and old business brought before this Agency.

Mr. Bowers moved to add discussion regarding Daisy Hill Dam to the agenda. The motion was seconded by Mr. Birtwell and carried unanimously.

Carlo Sarmiento stated that he received a phone call from someone who witnessed an Individual digging and building a dam and putting fish in. He stated that it appears that this is on property of Daisy Hill Condominiums and not the property of the individual. He stated that he noted that there is erosion in this area and has went to the site with representatives from DEP. Mr. Dinice suggested contacting the corporation counsel and get an opinion from him whether the Condominium Association should be notified of this activity on their property. He also stated that Mr. Sarmiento should speak with attorney prior to sending out a cease and desist order.

Mr. Birtwell moved to authorize the Wetland Enforcement Officer to proceed with issuing a cease and desist order for apparent violations subject to consultation with the corporation counsel. The motion was seconded by Mr. Bowers and carried unanimously.

There was no further new or old business to discuss.

Approval of Minutes – April 19, 2018.

Mr. Birtwell moved to approve the minutes of the April 19, 2018 meeting. The motion was seconded by Ms. Desroches and carried unanimously.

A motion to adjourn was made by Mr. Birtwell, seconded by Mr. Bowers and carried unanimously.

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Maryanne DeTullio

Maryanne DeTullio, Clerk