CITY OF DERBY – INLAND WETLANDS AGENCY
August 12, 2026

Motion:

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 and after review of written and verbal information provided by the applicant, Commission members and City staff, finds the following:

1. On May 12, 2026, Jalowiec Realty Associates, LP (Applicant) submitted an application No. 26051301 for activities within 50 feet of the wetlands and other upland areas adjacent to the wetlands. The activities are associated with expansion of two existing buildings, parking lot construction, grading, and stormwater management installations

2. The watercourse which bisects the property from the culvert under Sodom Lane to the twin 54" pipes under the Staples Shopping Center is an unnamed tributary to Two Mile Brook.

3. A Wetland Assessment Report has been prepared which identified the existing site conditions

4. There are no direct wetland impacts and approximately 4,550 square feet (+ 2,800 square feet on east side and + 1,750 square feet on west side of the wetland/watercourse) of disturbance within the upland review area

5. That this application is not a "significant activity" in accordance with the definition of "significant activity" as found in the Regulations of the DIWA and will require a summary ruling.

6. Best Management practices have been employed in the design to promote infiltration and to improve storm water runoff quality. These practices include stormwater infiltration to treat runoff from on-site impervious areas before discharging to the wetlands and watercourses, energy dissipaters and vegetated bio-filters at the drainage outlet. Sedimentation and erosion control measures have also been incorporated into the design including sediment filter fence and stabilized construction entrances

7. Information was provided by the Applicant, City staff, Agency members and the general public during the public hearings held on July 8, 2026 and August 12, 2026.

Therefore, the Agency moves to approve Application No. 26051301 as presented and shown on the following documents submitted in support of the application:

1. Plans entitled "Site Plan, Prepared for, Jalowiec Realty Associates, 90 & 114 Sodom Lane, Derby, Connecticut, Prepared for: Summit Hill, LLC, Derby, Connecticut," prepared by NOK Associates, dated 2/4/2026, revised to 7/23/26.

2. Plan entitled "Landscape Plan, Prepared for, Jalowiec Realty Associates, 90 & 114 Sodom Lane, Derby, Connecticut, Prepared for: Summit Hill, LLC, Derby, Connecticut," prepared by NOK Associates, dated 7/22/2026, revised to 7/29/2026.

3. Report entitled "Wetland Assessment Report, 90 & 114 Sodom Lane", dated July 22,2026, prepared by Soil Science and Environmental Services

4. City of Derby Inland Wetlands Agency, Application for Permission to Conduct a Regulated Activity within a Wetland or Watercourse Area in the City of Derby, dated May 12, 2026.

5. Minutes from DIWA meeting on October 11, 2006.

6. Letter from SLR dated July 7, 2026

7. Certificates of Mailing to abutting property owners.

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. The site plans shall be revised to incorporate the recommendation and comments #3, 11 and 13 in the comment letter from SLR International Corp dated August 12, 2026.

2. The applicant shall place medallions prescribed by the DIWA at intervals of no less than 50' on 4"x4" posts along the limit of parking or grading limits where regulated activities are proposed. A plan showing the locations of the markers shall be provided prior to issuance of a building permit.

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. Written confirmation that the deed of the property references the regulated areas on site and the stipulated conditions of this approval, including all easements and agreements.

    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 and as recommended in Condition #1.

4. 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.

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. 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.

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.

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.

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 with 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 express 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 $200.00 to the City of Derby Finance Office.