# CITY OF DERBY INLAND WETLANDS AGENCY

**Regular Meeting Minutes**

August 12, 2026

**Meeting called to order at 7:03 p.m.**

## 1. Call to Order and Pledge of Allegiance

Chairman Paul Dinice called the meeting of the City of Derby Inland Wetlands Agency to order at 7:03 p.m. The meeting opened with the Pledge of Allegiance.

## 2. Roll Call

Members present included Chairman Paul Dinice, Paul Padilla, Jennifer Desroches, and Ray Bowers. A quorum was present.

## 3. Approval of Minutes

The Agency reviewed the minutes of the July 8, 2026 meeting.

**Motion:** A motion was made to accept the minutes of the July 8, 2026 meeting as presented by Paul Padilla.

**Second:** by Ray Bowers

**Vote:** The motion passed unanimously.

## 4. Public Portion

The Chair opened the floor for public comment on matters not otherwise listed on the agenda. No members of the public addressed the Agency at that time.

## 5. Continued Public Hearing

**Application:** Application No. 26051301, submitted May 12, 2026 by Jalowiec Realty Associates for property known as 90 and 114 Sodom Lane. The proposed activity involved creation of a parking area for existing buildings and a proposed auto service shop within the regulated upland review area associated with nearby wetlands and watercourses.

Attorney Dominic Thomas, 315 Main Street, Derby, appeared on behalf of the applicant. Attorney Thomas stated that revised plans, including the landscaping plan, site plan sheets, and wetlands assessment, had been submitted and distributed. He also acknowledged an issue with an email address for a neighboring property owner and apologized for the error.

Applicant Presentation

**Alan Shepard**, professional engineer and partner with **Nowakowski, O'Bymachow and Kane**, 415 Howe Avenue, Shelton, reviewed the revised engineering plans. Mr. Shepard explained that the proposal was similar to a previously approved project but included revisions to the parking configuration and stormwater management design. He stated that, based on soil observations, pervious pavers were not appropriate for the site and that the revised design proposed paved areas pitched toward a low point, a catch basin, a hooded trap, and underground recharge galleries.

Mr. Shepard stated that the system was designed to capture and treat the first flush of stormwater runoff, including potential hydrocarbons, before overflow reached the watercourse. He noted that the plan included maintenance provisions and that several comments from the City's consulting engineer could be addressed through plan revisions or conditions of approval.



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**Jennifer Benno**, biologist with **Soil Science and Environmental Services**, summarized the wetland assessment. She stated that the project site contained a previously altered wetland and watercourse, that the wetland functions were limited due to the site's developed condition, and that no direct wetland or watercourse impacts were proposed. She reported that approximately 4,550 square feet of activity would occur within the upland review area.

Ms. Benno further stated that the Connecticut Department of Energy and Environmental Protection Natural Diversity Database review indicated that no state-listed endangered, threatened, or special concern species or critical habitats had been documented within or in close proximity to the delineated project area. She recommended native, non-invasive shrub plantings along the disturbance area closest to the wetland and watercourse to provide a visual barrier and habitat benefit. She concluded that, provided the project is developed in accordance with the reviewed plans and approved stormwater and erosion control measures, the proposed activities would not have a significant adverse impact on the limited wetland functions.

**Agency Questions and Discussion**

Agency members asked questions regarding the proposed auto service use, including the types of repairs to be performed, outdoor vehicle storage, parking needs, spill prevention, drainage, maintenance of stormwater systems, and proposed landscaping. Attorney Thomas stated that the proposed use would involve limited repair work, such as oil changes, brakes, tires, fluid checks, windshield wipers, and similar minor repairs. He stated that there would be no gasoline service, engine rebuilding, transmission rebuilding, body work, electric vehicle work, or heavy-duty commercial vehicle service, and that no vehicle storage was proposed outside, other than vehicles awaiting pickup or repair completion.

Mr. Shepard explained that the stormwater system was intended to treat runoff from paved areas and provide accessible containment and maintenance in the event of minor leaks or pollutants in the parking area. Discussion also addressed maintenance schedules for the recharge galleries, inspection requirements, and the applicant's obligation to install landscaping prior to final approvals or occupancy as applicable.

**Public Comment on Application**

**Jennifer Caruso**, 384 David Humphreys Road, Derby, asked questions regarding prior work in or near the brook, whether the brook would be narrowed, and whether the proposed project could increase flooding on Sodom Lane or surrounding properties. The applicant and the City's consulting engineer responded that the current application did not propose work within the brook or any direct wetland impact, and that the stormwater improvements were designed to treat runoff in accordance with current water quality practices.

City consultant Ryan McEvoy reviewed his findings and stated that the revised plans addressed many of the prior review comments. He noted that formal detention was likely not appropriate for the site because delaying runoff could cause it to coincide with higher flows in the watercourse. He stated that the proposed water quality measures were consistent with the 2024 DEEP Water Quality Manual and that the application involved approximately 4,550 square feet of regulated activity within the upland review area with no direct wetland impact.

**Motion:** A motion was made to close the Public hearing by Paul Padilla

**Second:** by Ray Bowers



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**Vote:** The motion passed unanimously.

## Agency Action on Application No. 26051301

Ryan read a proposed motion for Agency consideration. The motion stated that the City of Derby Inland Wetlands Agency, having considered the factors pursuant to Section 10 of the regulations and having reviewed written and verbal information provided by the applicant, Agency members, City staff, and the public, made findings including the following:

- The application was submitted on May 12, 2026 by Jalowiec Realty Associates for regulated activities within 50 feet of wetlands and other upland areas adjacent to wetlands.
- The water course bisecting the property is an unnamed tributary to Two Mile Brook.
- A wetland assessment report identified existing site conditions.
- No direct wetland impacts were proposed, and approximately 4,550 square feet of disturbance would occur within the upland review area.
- The activity was not deemed a significant activity under the Agency's regulations and qualified for a summary ruling.
- Best management practices were incorporated to promote infiltration and improve stormwater runoff quality, including stormwater infiltration, energy dissipators, vegetated biofilters, sediment filter fence, and stabilized construction entrances.
- Information was received during public hearings held July 8, 2026, and August 12, 2026.

**Motion:** A motion was made by Ray Bowers to approve Application No. 26051301 as read by the City's consultant and as modified to require wetland medallions at 50-foot intervals rather than 75-foot intervals

**Second:** by Paul Padilla

The approval included conditions addressing revised plans, wetland medallions, filing requirements, sediment and erosion controls, compliance with permit stipulations, future modifications, equipment maintenance and refueling, temporary stabilization of disturbed areas, inspections, authority to require additional controls, emergency contact information, future regulated activities, and payment of the required summary ruling fee.

**Vote:** The motion passed with three members voting in favor and one abstention.

*Final 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*



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*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.*



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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.*

## 7. Payment of Bills

Two bills from SLR were presented: one July invoice in the amount of $585.00 for review of the 90 Sodom Lane application, and one August invoice for attendance at the meeting for 1.25 hours.

**Motion:** A motion was made by Paul Padilla to pay all bills as presented

**Second:** by Ray Bowers.

**Vote:** The motion passed unanimously.

## 8. Adjournment

**Motion:** A motion was made to adjourn by Paul Padillia

**Second:** by Ray Bowers

**Vote:** The motion passed unanimously. The meeting adjourned at 8:10 p.m.

*Respectfully submitted,*
*Jennifer Desroches*



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