

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

**Frederick J. Columbo, Jr. Chairman
68 Seymour Avenue
Derby, Connecticut 06418**

**Philip Marcucio
Paul Dinice, Jr.
Paul Padilla
David Barboza II
David Rogers
Roger Birtwell**

September 13, 2006
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, September 13, 2006. Chairman Fred Columbo at conference room, New City Hall, 1 Elizabeth Street, Derby. This meeting was called to order at 7:00 p.m. by Chairman Fred Columbo.

By roll call members present were Chairman Fred Columbo, Philip Marcucio, David Barboza, Paul Padilla and Roger Birtwell. Michael Joyce from Milone & MacBroom was also present.

Additions, Deletions, Corrections to the Agenda:

Mr. Columbo stated that Item #8, Application from Kathy Norwood should be deleted from the agenda. He stated that he received a letter from her attorney stating that it is their intention to file an application but it is not ready for this evening. The application will be filed for the October meeting.

Public Portion:

Josephine Opuszynski, 88 Sodom Lane stated that there is a brook at the back of her property and all the water coming down Marshal Lane empties into that brook. She stated that she has an agreement with the City that they are to take care of it and now it is at a point where something needs to be done. Mr. Columbo asked her to provide a copy of that agreement and Mr. Joyce stated that he will look into the situation on her property.

Acceptance of Minutes

Mr. Columbo read a letter from David Kopjanski commenting on the minutes of the August meeting (copy attached). A motion to accept the minutes of the August 9, 2006 meeting was made by Mr. Birtwell, seconded by Mr. Marcucio and carried unanimously.

10b. Witek Park report.

Ken Hughes, Field Administrator for Witek Park stated that the fields will be open on 09/16/06. The drainage work has been done to the top of the slope and hopefully it will correct the situation. The City is now in a position to accept the fields. He also stated that he has been in contact with Dr. D. Smith who did the flora/fauna report and he will be doing an assessment and management report for the Park. Dr. Smith has received a copy of the conditions of approval. Mr. Hughes stated that the water quality sampling test results for pre-construction and post-construction were completed and there has actually been some improvement from the pre-construction levels. The City has sub-contracted the mowing and fertilization work. He also stated that the Public Works Department will do the striping on the fields. He will be overseeing all the maintenance of the Park and scheduling to make sure that they are not overused. Mr. Columbo asked about the type of fertilizers used and Mr. Hughes stated that they will be moving toward the use of organic materials shortly.

Jack Walsh, Chairman of Parks & Recreation stated that the Park will be open from dawn to dusk. He also spoke on the trails in the Park which could be expanded and improved.

7. Conduct a Public Hearing for Jalowiec Realty Associates, LP, Joseph C. Jalowiec - Applicant, APPLICATION #06071203 Seeking permission to conduct a "Regulated Activity" proposing an expansion of two (2) existing office buildings on Lots #29 and #30, Tax Map #3-2 at 90 and 114 Sodom Lane.

A motion to open the public hearing was made by Mr. Padilla, seconded by Mr. Birtwell and carried unanimously. Mr. Columbo stated that he is in receipt of a letter dated 8/4/06 asking that the hearing be scheduled for the September meeting, the notification letter to adjacent property owners, Milone & MacBroom letter dated 9/13/06 and revised plans.

Jim Rotondo, 25 Brook Street, Shelton submitted the return receipts from the mailings. He stated that the property is located at 90 and 114 Sodom Lane opposite David Humphreys Road. One parcel is approximately .89 of an acre with an existing structure and the other is .29 of an acre with an existing structure and the remainder is parking. The wetlands have been flagged and a report submitted. He stated that they have revised the purpose and description of activity. There is a stream that bisects the parcel and the total amount of wetlands is approximately 7410 s.f. They are proposing the expansion of the two existing structures for business use and will be modifying the parking to provide the required spaces.

There will be a storm water collection system to collect the surface runoff. It will discharge directly into the stream and there will be the installation of a storm water quality structure. The westerly parking lot will require 3850 s.f. of filling of the wetlands and approximately

12,200 s.f. of land located within the 50' regulated activity review area. There will be a pedestrian bridge to connect both parcels. They are proposing to use pervious pavers in the parking area. Mr. Columbo asked about maintenance and Mr. Rotondo stated that there is a proposed maintenance schedule. Mr. Marcucio asked about the pavers and Mr. Rotondo stated that he did not provide a detail at this time and there are different types of pavers that could be used which will allow for the water to filter through. Mr. Joyce stated that he is still reviewing the drainage report. Mr. Marcucio asked how much of the area will have the pavers and Mr. Rotondo indicated that approximately 2000 s.f. Mr. Marcucio felt that they should look into adding more of those to reduce the amount of impervious area. Mr. Joyce stated that this is a significant activity and they will have to show prudent and feasible alternatives. Mr. Columbo stated that it is a non-productive wetlands area. Mr. Rotondo stated that the clients at these buildings need more space and this is causing the need for additional parking.

They discussed the buffering of the brook and Mr. Marcucio felt that if the area is left open it would make the maintenance easier. Mr. Columbo asked to have a planting plan submitted for the Board's review.

Joseph Jalowiec, 8 Northrup Road, Woodbridge felt that the City should come up with a plan for the pond on the Onopiak property which is located across the street from his property.

A motion to continue the public hearing to the October meeting was made by Mr. Birtwell, seconded by Mr. Marcucio and carried unanimously.

10c. Dana D'Elia, 5 Lanzieri Court, property line

Dana D'Elia, 5 Lanzieri Court spoke on the work that is being performed or will be performed by Detention Basin LLC. He stated that there are five trees on his property which he hopes are not included in their plans. He wants to make sure that they are doing what they are suppose to do for the maintenance of the basin. Mr. D'Elia also stated that there are four trees staggered on the northern berm and he did not know why they would be removed. Mr. Columbo stated that he met with Mr. D'Elia on his property to look at the situation. He also stated that after last month's meeting he contacted the State DEP and explained the situation to them. He met with and walked the site with a representative from DEP. He stated that the Dam Safety Division of DEP is reviewing the basin and their main concern is the berm where the outlet structure is located. He also stated that he contacted BL Companies and got data from them regarding the basin and that information was also given to the DEP. The DEP did indicate that this is in a regulated area and the Board was correct in requiring an application. He stated that they will be receiving a letter from the DEP addressing all the issues. Mr. Birtwell stated that the basin needs to be maintained and he asked Mr. D'Elia how he would like to see that done. Mr. D'Elia stated that he did not see the purpose of clear cutting the trees.

Carol Funari, Lanzieri Court asked if any fines would be imposed. Mr. Joyce explained that they were issued a cease and desist order but their intent to file an application with a plan for the remaining work was appropriate. The area will remain as it is until the cease and desist order is lifted.

9. City of Derby - Applicant, Michael Joyce P.E., Agent. Three (3) applications for various Road Bond Projects.

- a. John Street - Application #06080902.
- b. Cullen Hill Road - Application #06080904.
- c. Silver Hill Road - Application #06091302.

a. John Street - Frank Lipke, John Street, stated that he just received the plans and would like to consult with his attorney and engineer and asked that the board hold off on any approval of this project.

Mr. Joyce stated that letters were sent to the property owners on John Street informing them that an application has been filed and work will be done on their properties in accordance with the plans. He also stated that the City will have to secure easements from various property owners and they are in the process of doing so. He also stated that part of the proposal will be the realignment of the intersection of John Street and Sodom Lane. There are serious drainage problems on John Street and they are proposing improvements including the installation of double catch basins and restructuring portions of properties on John Street. The drainage will eventually tie into the existing system on Sodom Lane. The wetlands have been flagged and they are working with Mr. Lipke on the end of the road and trying to balance the improvements. Mr. Marcucio asked about the time frame for the project and Mr. Joyce stated that they will continue to work with the property owners to get everything necessary in place, but at this point it will be better to do some of the work in the spring.

b. Cullen Hill Road - Mr. Joyce stated that the property owners have been informed of what will be going on with the improvements to this area. The DEP also received a copy of the plans and they have satisfied with them. He stated that some adjustments have been made to the low points of the road to alleviate as much of the drainage problems as possible. He stated that some work has already started to prevent further erosion of the road. They will not be working directly in the wetlands area.

A motion was made by Mr. Birtwell to approve this application under a summary ruling. The motion was seconded by Mr. Marcucio and carried unanimously.

c. Silver Hill Road - Mr. Joyce stated that this is a two part project and they are attempting to address the ponding condition in an area of Silver Hill Road in the area of the common gardens. They are proposing to regrade the driveway. The DEP has given verbal approval for the improvements. He stated that there is another area where the water runs down and into properties in Ansonia. They have met with the property owners and their engineer and

presented plans to direct the flow of the water away from where it is now and hopefully will not cause anymore problems. Mr. Marcucio was concerned that if these improvements did not correct the situation who would be liable and Mr. Joyce stated that they have mechanisms in place to improve the situation. Don Smith, 56 Greenwood Circle, Seymour representing Silver Hill Properties LLC stated that he met with Mr. Joyce but has not had a chance to see the final plans and asked that it be tabled until he can review them. Mr. Joyce stated that he will continue discussions with the property owners.

10a. Engineering Fees - Milone & MacBroom, Inc. for the City of Derby August 9, 2006.

Mr. Columbo stated that no new bills have been received from Milone & MacBroom.

A motion to adjourn was made by Mr. Padilla, seconded by Mr. Birtwell and carried unanimously. The meeting was adjourned at 9:15 p.m.

ATTEST:

Maryanne DeTullio