

**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**

July 11, 2007  
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, July 11, 2007 at Aldermanic Chambers, 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, Paul Padilla, Phil Marcucio, Paul Dinice, Jr. and David Rogers. Michael Joyce from Milone & MacBroom was also present.

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.

Acceptance of Minutes

Mr. Marcucio moved that the minutes of the May 9, 2007 meeting be accepted. The motion was seconded by Mr. Padilla and carried unanimously with Mr. Dinice abstaining.

7b. Phil Marcucio, 480 New Haven Avenue: Maintenance of detention basin.

Mr. Marcucio recused himself from this item. Mr. Columbo read into the record a letter dated 6/4/07 regarding the removal of silt and maintenance of the detention basin at 480 New Haven Avenue. Also submitted was the original maintenance schedule which came with the deed to the basin, which Mr. Marcucio stated that he hopes to follow in years to come. Mr. Marcucio presented a property survey dated 5/31/07 showing the areas where the silt will be removed, which will be approximately 2 to 3 feet of silt from the bottom of the basin. The stockpile area was also shown on the map. Mr. Marcucio stated that the area will be fenced or have haybales around it until it dries out. The intent is to use that material at a later time for a change to the nursery. He stated that he will present the plan for that at a later date. Mr. Marcucio stated that the basin has always been mowed. Mr. Columbo stated that there is no application at this time and he is informing the Agency of what work will be done.

Mr. Joyce stated that he met with Mr. Marcucio to review current conditions on the site and noticed some slight modifications to the basin which have since been corrected. He also noticed a lot of silt in the basin. He stated that an as-built of the future plans will need to be submitted. Mr. Marcucio stated that the run off comes from the Cornfield development and there were problems with the outlet clogging up which has been cleaned up and seems to be working better. He stated that when it is reseeded he will be bringing in some new topsoil. Mr. Joyce stated that if material is taken off the site the Agency will need to know where it will be going.

#### 7d. Frank Onopiak Memorial Park, Sodom Lane

Mr. Columbo stated that he met on site with Mike Joyce, Joe Moore, David Kopjanski and Joe Jalowiec. Mr. Joyce stated that the berm structure washed out and because the brook has a constant flow the City was trying to get budget funds for a full repair. They are also looking into getting some FEMA funds for the repairs. Mr. Joyce stated that approvals from DEP, Planning & Zoning and Inland-Wetlands will have to be obtained at that time. They are looking to do emergency measures to stabilize the flow of the brook and clean out the culvert. There are large boulders on site which can be used for stabilization and any silt coming down could be cleaned up. He stated that he is working with the City to get these temporary measures in place. Mr. Joyce stated that nothing will be done until a plan is drawn up and some of the work may have to go out to bid.

Joe Jalowiec, 90 Sodom Lane stated that when he received approval for his project across the street he had a window in which to do the necessary work. Mr. Joyce stated that the approval required the restoration of the brook at 90 Sodom Lane which had failed in April. Mr. Joyce stated that there is a change in elevation and they will be trying to control the elevation. Mr. Dinice stated that he had no problem with emergency repairs.

#### 7e. John Street/Orangewood East Condominiums: Maintenance of Brook Area.

Scott O'Brien, Vice President of the Association was present. Mr. Joyce stated that he was looking at the drainage project work being done on John Street. He stated that the watershed that comes down to this area feeds from several different locations. He stated that they have realigned the pipe back to John Street, restoring properties and reconstructing John Street. He stated that in checking on this project he noticed some structures that are in need of maintenance. The City has no easements to do that work. It is fairly simple maintenance work that can be done on a yearly basis by the Condominium Association. He stated that the roof leaders from the condos all discharge into the brook. He stated that he would like to meet with Mr. O'Brien and discuss areas that need to be maintained. Mr. O'Brien stated that he does not see why they cannot maintain and he will meet with Mr. Joyce.

c. Derby Shopping Center, LLC, Lowe's Home Improvement Store, 500 New Haven Avenue: Modification of Approval.

Mr. Joyce stated that the approval for Lowe's indicated a time line for repair of the culvert that failed. It stated that prior to the issuance of a building permit detailed plans including handling water details and specifications associated with Two Mile Brook stream bank and culvert repair shall be submitted to the City Engineer for review and approval. The Company that owns the property and Lowe's will not sign the agreement because they feel that those are property management issues but feel that they are being held back from proceeding with their project. They have asked to discuss with the Agency an amendment to that condition. Mr. Joyce stated that it will not be taken out of the approval but the deadline time could be changed and the work will have to be done. Mr. Joyce stated that they used the building permit as the time line and that could be changed. He stated that they cannot get a building permit until they have STC approval. Mr. Dinice stated that he did not see anything wrong with the language and he did not know what the delay in signing the agreement is. Mr. Joyce stated that they cannot get a building permit until the work is done. He also stated that they are in the process of designing the work. Mr. Joyce stated that Lowe's wants to have this removed from the building process. Mr. Marcucio felt that this is something that should be straightened out between the owner and Lowe's. The item will remain on the agenda.

7f. Sunrise Hill Estates nka Firestone Village, Route 34/Grassy Hill Rd., Orange, CT

Mr. Columbo stated that he received a letter dated 6/21/07 from Atty. J. Porto with a copy of the Inland-Wetland application submitted to the Town of Orange. He noted that the project is now called Fieldstone Village.

7g. Environmental Protection Agency, Connecticut Marine Sanitation Devise Standard - Notice of Determination.

Mr. Columbo stated that he received a packet from the DEP regarding the marine sanitation devise standard - notice of determination.

7a. Engineering Fees - Milone & MacBroom, Inc. for the City of Derby: April 12, 2007 and June 12, 2007.

Mr. Marcucio moved that the bills from Milone & MacBroom dated April 12, 2007 be paid. The motion was seconded by Mr. Padilla and carried unanimously.

Mr. Marcucio moved that the bills from Milone & MacBroom dated June 12, 2007 be paid. The motion was seconded by Mr. Padilla and carried unanimously.

7h. Mr. Columbo stated that he signed off on the following properties:

- a. Valley Diner, John Kokenos, 636 New Haven Avenue - addition.
- b. Christopher Kuna, 5 Yocher Lane - new garage.
- c. Joe Falango, Lot #2, 251 Marshall Lane - approved lot of subdivision.
- d. Austin Mattutini, Lot #107, 385 New Haven Avenue - addition to barn.

A motion to adjourn was made by Mr. Padilla, seconded by Mr. Marcucio and carried unanimously. The meeting was adjourned at 8:15 p.m.

ATTEST:

Maryanne DeTullio

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