

**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**

June 11, 2008
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, June 11, 2008 at Aldermanic Chambers, New City Hall, 1 Elizabeth Street, Derby. This meeting was called to order at 7:05 p.m. by Chairman Fred Columbo.

By roll call members present were Chairman Fred Columbo, Philip Marcucio, Paul Dinice, Jr., Paul Padilla, David Barboza II and Roger Birtwell. 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 at the meeting.

Approval of Minutes

A motion to approve the minutes of the May 14, 2008 meeting was made by Mr. Dinice, seconded by Mr. Birtwell and carried unanimously with Mr. Marcucio abstaining.

7f. Post/tags for non-encroachment lines.

Mr. Columbo stated that at last month's meeting there was some discussion regarding some new data available regarding encroachment line markers. Mr. Dinice presented some information that he had regarding various wetlands issues. He stated that the Agency may want to consider changing some of the regulations and also increasing the upland review area. The item will remain on the agenda for further discussion.

7g. David Rogers - Letter of Resignation

Mr. Columbo read a letter dated May 29, 2008 from David Rogers resigning his position on the

board.

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7c Michael and Dana Talbot, 76A Academy Hill Road: clearing activity in rear yard.

7d Kelly Morgan, 76B Academy Hill Road: clearing activity in rear yard.

Mr. Columbo stated that he and Mr. Joyce went to the property in March and made an observation of the rear of the site. These individuals wish to clear their properties of overgrowth of brush. It was agreed that they can clear the properties up to the property lines. Mr. Kopjanski received an anonymous complaint that work was being done in the rear yards. Mrs. Talbot explained that a neighbor was concerned that a shed would be placed on her property and it would block the neighbor's view of the water. She stated that they have no plans to do that. Mr. Columbo noted that the City property is very overgrown by invasive plants and felt that the City should be doing some work to clean it up. Mrs. Talbot stated that they wrote a letter to the Board of Aldermen and the City went out and did some clearing work. There is still more work that could be done by the City. Mr. Joyce stated that the Board of Aldermen should determine how much work can be done there. Mr. Columbo suggested that they contact the Board of Aldermen and let them know that they have been before this board and get their comments on what can be done and what will be done in this area. He stated that he will keep it on the agenda for next month's meeting and will also speak with Ken Hughes before the next Board of Aldermen meeting to explain what was discussed at this meeting.

7b. Fran Finnucan, 45 Belleview Drive: Drainage problems on property.

Mr. Joyce stated that he has not received any information from the Public Works Department regarding this matter. Mr. Columbo explained that his property borders the City landfill and he has been having water problems on his property from the landfill. Mr. Joyce stated that a lot of maintenance related to things that were done on other properties. Mr. Dinice stated that the catchbasins in the area should be cleaned out. Mr. Columbo stated that he will speak with Ken Hughes about this property.

8. Michael Teixeira - Applicant, Ted Witek, P.E. - Agent. Application #08061101 - seeking permission to conduct a Regulated Activity: Proposing to expand rear yard using segmental concrete blocks, crushed stone backing and fill, approximately 803 cubic yards of fill, including stone and blocks on property at 193 Marshall Lane, Lot #2c, Tax Map #2-5.

Ted Witek, 1 Kingston Drive, Ansonia was present for the applicant. He stated that Mr. Teixeira would like to expand his yard to have access to the porch and also have some space between the top of the bank and porch. A cease and desist was issued to him by the City. After a survey was made the blocks in the rear yard were located and several are over the property line. He stated that along the easterly line there is 48 linear feet of blocks which need to be removed. He stated that he is willing to remove the blocks that are over the line. They have a report from a soil scientist indicating that there are no wetlands or watercourses on the property and none in close proximity. There are no wetlands violations, they were just built over the property line. Mr. Witek stated that he will not be increasing the flow from this property. He presented

paved and this is causing problems with water runoff.

Mr. Joyce stated that he did not think this property is causing drainage problems to properties below. He did note that there is a lot of sediment built up along the fence. Mr. Witek stated that they are actually lowering the velocity of the water. Mr. Teixeira indicated that the blocks were first placed there in February of 2008. Mr. Columbo stated that prior to the installation of the blocks there was water runoff from this property onto Mr. Finnucan's. Mr. Joyce stated that the runoff was headed toward the City landfill. Mr. Columbo stated that they were installed without the proper permit and are over the property line. Mr. Joyce stated that the issues are on the property itself. The blocks were installed and there is a lot of erosion and sediment up against the City fence, which needs to be cleared. Mr. Witek stated that the blocks that are encroaching on City will be removed and the rest will remain. Mr. Joyce then asked what will happen in that area and if the slope will be stabilized. Mr. Witek stated that they want to correct the situation. Mr. Teixeira stated that he can stabilize the lot. Mr. Joyce stated that there is an application and report that states there are no wetlands on the property and the Agency needs to determine how this is going to be handled. Mr. Columbo stated that the major concern is that what he is doing has no effect on the property next to his with regard to runoff, erosion or drainage. Mr. Witek stated that there are calculations showing that more has been done for onsite detention. Mr. Joyce stated that if the walls are built in a structurally stable manner they will work, but what needs to be identified is what happens beyond the driveway and if there is going to be any further development there. Mr. Joyce asked how high each terrace was and Mr. Witek stated that they are 6 feet from the front of one to the front of another and there are two feet of stone behind it and there is plenty of seepage. Mr. Joyce asked what the construction approach will be. Mr. Dinice asked how much fill has been brought up to date. Mr. Witek stated that the total will be 803 cubic yards. Mr. Joyce stated that he would like to look at the restoration efforts done so far. Mr. Columbo stated that this item will be continued to next month's meeting.

9. Ignatie Bene - Applicant. Application #08061102 - seeking permission to conduct a Regulated Activity: Proposing to construct a new rear deck on property at 11-13 Krakow Street, Lot #10, Tax Map #2-3.

Paul Bombero was present for the applicant and stated that he would like to construct two decks 12' x 12' with steps that wrap around at the rear of the structure. There will be a deck on the first floor and another on the second floor. The deck that is there now will be removed so that the driveway can be utilized. They are within 59' of the wetlands and there is no activity within the buffer area. Mr. Joyce asked about the FEMA flood plain and Mr. Bombero stated that they did not look into that. Mr. Columbo stated that during a heavy rain event the area in the back floods. He stated that he was there in the fall and saw the accumulation of debris in the wetlands area. It was noted that this applicant just recently purchased this property. The deck will be open underneath and will be approximately 4 to 5 feet off the ground. Mr. Joyce stated that there is a long history of flooding problems on Krakow Street and he would like to view the property. Mr. Columbo stated that this will be

continued to next month and encouraged the members to conduct individual site walks.

7a. Engineering Fees Milone & MacBroom, Inc. for the City of Derby statements of April 30, 2008 and May 13, 2008.

Mr. Dinice moved that the statement of 4/10/08 be paid. The motion was seconded by Mr. Barboza and carried unanimously with Mr. Marcucio abstaining. A motion to pay the statement dated 5/13/08 was made by Mr. Dinice, seconded by Mr. Barboza and carried unanimously with Mr. Marcucio abstaining.

7e. William Zaleha, 16 Homestead Avenue: construction problems with house addition.

Mr. Joyce stated that one of the provisions of the approval was that the garage on this property was being removed. This garage was encroaching on the wetlands. He has now built a parking space on the property for an RV and Mr. Joyce stated that this was not on the plans and he informed the builder that the only reason the application was approved was because it was being pulled away from the wetlands. Mr. Joyce stated that he informed David Kopjanski of this and Mr. Columbo stated that this was not approved and he will also speak with Mr. Kopjanski about this and have a cease and desist issued. He will also advise Mr. Zaleha to come to the next meeting.

7h. D.I.W.A. - Budget for July 1, 2008 - June 30, 2009.

Mr. Columbo stated that the same amount as last year was requested and it will most likely be approved.

7i. D.I.W.A. - Proposal to purchase digital camera.

Mr. Columbo stated that there is approximately \$300.00 left in the budget and he has received some information on a digital camera and will get back to the Agency on this purchase.

A motion to adjourn was made by Mr. Birtwell, seconded by Mr. Padilla and carried unanimously. The meeting was adjourned at 8:40 p.m.

ATTEST:

Maryanne DeTullio

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