

**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  
Roger Birtwell**

July 9, 2008  
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, July 9, 2008  
at Aldermanic Chambers, New City Hall, 1 Elizabeth Street, Derby. This meeting was called to  
order at 7:10 p.m. by Chairman Fred Columbo.

By roll call members present were Chairman Fred Columbo, Philip Marcucio, David Barboza  
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.

Acceptance of Minutes

Mr. Birtwell moved that the minutes of the June 11, 2008 meeting be accepted. The motion was  
seconded by Mr. Marcucio and carried unanimously.

Public Portion:

There was no one from the public wishing to speak.

8. Michael Texeira - 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 was present and stated that a report from Soil Scientists was submitted indicating that  
there are no wetlands or watercourses on the property or within 50' of the property. There is an  
access strip from Marshall Lane. The lower blocks are encroaching onto City property and they  
will be moved inward. Mr. Columbo stated that the main concern is the property owners below  
with runoff from this property. Mr. Witek stated that he found an old contour map and at that  
time all water was flowing down to Belleview Drive. Mr. Texeira changed the direction of the  
water flowing from his property. Mr. Joyce stated that there was erosion that was occurring and  
he does not believe that this property is the source of problems to properties on Belleview Drive.  
He stated that this application is also being reviewed for Planning & Zoning and since there are

declaratory ruling. He stated that he would like to see some plantings to screen the appearance of the tiered elevations. He was also concerned about maintenance of the construction access during construction activities. He felt that there should be a more permanent delineation of the City's property line.

Fran Finnucan, Belleview Drive stated that the road is now higher than the property and he was concerned about runoff. Mr. Joyce stated that he does not see an increase in runoff from the previously approved plan and this plan. He felt that this plan should stabilize the site. He stated that there will be no added impervious area and the drainage is staying the same.

Mr. Columbo stated that the runoff should have no effect on the homeowners on Belleview Drive. He also stated that the encroachment is being corrected. He felt that the applicant should put in non-encroachment markers adjacent to the pins.

Mr. Marcucio moved that on June 11, 2008 Michael Teixeira (Applicant) submitted an Application No. 08061101 which proposed no direct impacts to wetlands or watercourses and no activities within the 50' of a regulated upland review area and will require a Declaratory Ruling in accordance with section 11.10.

Therefore, the Agency moves to approve Application No. 080-61101 as presented and shown on the following documents submitted in support of the application.

1. "Property Boundary - Improvement Location Dependent Resurvey", prepared for Michael and Amelia Teixeira, prepared by Clarke & Pearson Associates, Inc., dated 5/19/08 and drawn at a scale of 1"=20'.
2. "Wetlands/Watercourses and Soil Report", prepared for #193 Marshall Lane, prepared by Soil Science and Environmental Services, Inc., dated May 30, 2008.

In addition to the requirements listed in Section 11.9, 11.12 and 11.13 of the Regulations Protecting the Wetlands and Watercourses of the City of Derby, the following conditions also apply:

1. Lack of compliance with any condition 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.
2. Any further changes or modifications to the application presented shall be submitted to the City Engineer to determine if additional review and approval is necessary by the Agency.
3. The applicant shall provide plantings along each terrace of the proposed wall to screen the view of the wall from the adjacent properties. Final plant species and planting

locations to be reviewed and approved by the City Engineer.

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4. The applicant shall provide confirmation from a professional engineer, licensed in the State of CT, that the backfill material behind the proposed retaining walls has been compacted appropriately and is structurally sound. All walls over the height of 4 feet shall be designed by a professional engineer.

5. No additional impervious areas beyond which was approved under the original subdivision shall be constructed. The plans shall be revised to indicate the surface materials for all disturbed areas, including but not limited to the area between the existing house and the proposed wall/top of slope.

6. The drawings shall be revised to include the location of the proposed construction entrance and a detail for its installation.

7. The applicant shall provide for the permanent delineation of the property boundary shared with the City of Derby Landfill prior to any additional site activities. Access, either temporary or permanent, on the City of Derby property is prohibited.

8. Final restoration of the City of Derby Landfill property shall be reviewed and approved by the City Engineer following completion of construction.

9. 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.

10. All disturbed areas on the site not directly required for construction activities shall be temporarily hayed and seeded and/or provided with erosion control blankets until permanent vegetation is established.

11. 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 0.1 inches or greater and until the City of Derby determines that inspections are no longer required.

12. 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 and/or contractor to install additional sediment and erosion control measures as conditions may warrant.

13. The Agency's decision to grant this approval makes no warranties or representations; either expressed or implied, that future regulated activities will be permitted on this site.

The motion was seconded by Mr. Birtwell and carried unanimously.

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

Mr. Columbo stated that he spoke with Ken Hughes who has been to the property and he felt that what has been done recently as alleviated the problem. Mr. Joyce stated that he never went into the pipes. Mr. Columbo stated that Mr. Hughes indicated that the pipes are not blocked. Mr. Finnucan stated that the catchbasins are clogged. Mr. Columbo stated that he would like to have Mr. Joyce prepare a written report for Mr. Finnucan of what the City is proposing to do there. Mr. Joyce stated that he is not aware of any inspections or improvements being done. Mr. Finnucan stated that he has not heard from any one. Mr. Columbo stated that he received a letter in March from Mr. Culmo and recommended that Mr. Finnucan go to the next Board of Aldermen meeting. Mr. Joyce stated that the first recommendation is to get the systems out there cleaned out.

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 stated that the applicant would like to construct a deck to access two floors. The deck on the side has already been removed. He stated that doors were placed in the rear prior to the applicant purchasing the property. The decks will be outside of the 50' setback. He also stated that the 100 year flood line has been shown on the plans. The main purpose is to access the existing doorways in the rear. Mr. Bombero stated that the lower deck will be between 4 ½ and 6 feet off the ground. Mr. Joyce stated that the activity is not directly within the 50' upland review area. He felt that because of the close proximity to the flood plain that should be taken into consideration with footings. Mr. Columbo stated that there are no wetlands in the area of activity and it is not impacting the flood line.

Mr. Birtwell moved that on June 11, 2008 Ignatie Bene (Applicant) submitted an Application No. 08061102 which proposed no direct impacts to the wetlands or watercourses and no activities within the 50' of a regulated upland review area and will require a Declaratory Ruling in accordance with Section 11.10.

Therefore, the Agency moves to approve Application No. 08061102 as presented and shown on the following documents submitted in support of the application:

1. "Improvement Location Map - Property Located at 11 Krakow Street", prepared by Paul J. Bombero, Sr., L.S. Site Plan", dated May 02, 2008 and revised through June 17, 2008, drawn at a scale of 1"=20'.

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 conditions also apply:

1. Lack of compliance with any condition 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.

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2. Any further changes or modifications to the application presented shall be submitted to the City Engineer to determine if additional review and approval is necessary by the Agency.

3. The limit of the 50' upland review area shall be delineated in the field using sediment filter fence and shall be left in place until completion of construction.

4. 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. The storage of materials within 50' of the wetlands shall not be permitted.

5. 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 and/or contractor to install additional sediment and erosion control measures as conditions may warrant.

6. The Agency's decision to grant this approval makes no warranties or representations; either expressed or implied, that future regulated activities will be permitted on this site.

The motion was seconded by Mr. Marcucio and carried unanimously.

10. Housing Authority of the City of Derby, Steven Nakano-Applicant, Jim Rotundo, P.E. - Agent. Application #08070901 - seeking permission to construct a one-story office building at Cicia Manor, Anson Street and West Fourth Street, containing Inland/Wetlands issues, Lot #6, Tax Map #8-5.

Jim Rotundo presented site maps and drainage diagram. He stated that the Housing Authority is currently located at 45 Minerva Street and are proposing to relocate their offices to this new building at Cicia Manor. Cicia Manor contains 10 residential buildings with four units in each building and a community building. He stated that to the west of the site it slopes down and there is a fence. At the end of West Fourth Street there is an open grass area and that is where the proposed one story 2100 s.f. structure will be located. It will be accessed by a driveway and there will be 8 parking spaces.

He stated that there is currently a storm drain running through the site and they are proposing to intercept with manhole and reroute around the building. They will be adding to the impervious surfaces. They will install concrete galleys within the parking area to collect runoff from the roof and parking which will discharge back into the existing drainage system. He stated that the area will be built up slightly. He stated that they have a proposed soil and erosion control plan. Mr. Columbo asked if this area was designated as open space and Mr. Nakano stated that it never was open space but a garbage collection area which will be relocated. Mr. Columbo stated that there are no wetlands and it is not a regulated area.

Mr. Joyce stated that he has not reviewed the drainage calculations or plans at this time.

Mr. Birtwell moved that the application be approved as a declaratory ruling subject to satisfactory review and approval by the City Engineer of the drainage and soil and erosion controls; any modifications to the plans shall come back to the Agency for review and the fee be waived. The motion was seconded by Mr. Marcucio and carried unanimously.

11. Jim Rotundo, P.E.- Applicant. Application #08070902 - seeking permission to construct a one-story building at 160 Elizabeth Street, containing Inland/Wetlands issues.

It was determined that no application will be necessary for this item and it was not discussed at the meeting.

12. William and Deborah Zaleha - Applicants. Application #08070903 - seeking permission to conduct a Regulated Activity - proposing additions to previously approved application on property at 16 Homestead Avenue.

Mr. Columbo stated that he and Mr. Padilla made an on-site inspection at the property. The application was previously approved. The area northwest of the new garage was raised from what had been approved. The excavation work was stopped and the area dropped back down. There is a yard drain there at approximately elevation 101.9 which was the original contour. Mr. Zaleha stated that he is adding an addition to the side of the house for his elderly parents. He stated that he built a retaining wall to collect the roof leaders from the back of the property.

Mr. Joyce stated that he noticed the activity and that the catchbasin was raised up. He was told that they were creating an additional parking area for a "RV". He stated that the original application was moving further away from the wetlands and now they were encroaching. Mr. Zaleha stated that it is a temporary parking area and Mr. Joyce stated that it was to be a grass area and now will be a gravel parking area or something else. Mr. Columbo stated that he felt that the silt fence should continue because of the runoff onto adjacent properties.

Kathy Ducharme, 6 Shelton Street stated that runoff is coming off of the elevated area. Mr. Zaleha stated that they also added another yard drain and trench drain. Mr. Columbo stated that he was concerned that they are impacting on existing properties and Mr. Zaleha stated that he was not aware of that. Mr. Joyce was concerned about the grading of the site.

Mrs. Ducharme stated that she was concerned because construction was started over a year ago and she has noticed changes in the runoff onto her property. She stated that it appears that the grading is steeper and she is concerned that she will have more water on her property.

Mr. Columbo stated that he did not want the adjacent properties impacted. Mr. Marcucio stated that the Agency needs to know if there is any increase in runoff onto the adjacent properties. Mr. Joyce stated that there is an elevation change close to the wetlands and right now there is no plan that shows the final grading of the site. Mr. Columbo stated that

this matter will be continued to the next meeting and he advised Mr. Zaleha to have his surveyor

contact Mr. Joyce prior to that meeting to discuss the plans. He also stated that no more work is to be done in that area.

7a. Engineering Fees: Milone & MacBroom, Inc. for the City of Derby, Statement of June 12, 2008.

Mr. Barboza moved that the bills from Milone & MacBroom be paid. The motion was seconded by Mr. Birtwell and carried unanimously with Mr. Marcucio abstainig.

7c. Michael and Dana Talbot, 69A Academy Hill Road: clearing activity in rear yard.

7d. Kelly Morgan, 69B Academy Hill Road: clearing activity in rear yard.

Mr. Columbo stated that he was at the site and a lot of clearing was done but more work needs to be done. They are willing to do the work and maintain the area down to the reservoir. He informed them that they should go to the next Board of Aldermen meeting and he stated that the will speak with Ken Hughes about this situation. Mr. Marcucio was concerned that they are working within 50 feet of a watercourse. Mr. Joyce suggested writing a letter to the Board of Aldermen explaining the issues.

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

This item will be continued to the next meeting.

7f. C.A.C.I.W.C. - renew membership for: July, 2008-to-June, 2009.

Mr. Marcucio moved that the membership be renewed for CACIWC and the \$60.00 fee paid. The motion was seconded by Mr. Barboza and carried unanimously.

7g. D.I.W.A. - Purchased digital camera.

Mr. Columbo informed the members that he has purchased a digital camera for use by the Agency.

A motion to adjourn was made by Mr. Marcucio, seconded by Mr. Barboza and carried unanimously. The meeting was adjourned at 9:40 p.m.

ATTEST:

Maryanne DeTullio

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