

**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**

May 13, 2009  
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, May 13, 2009 at Aldermanic Chambers, New City Hall, 1 Elizabeth Street, Derby. This meeting was called to order at 7:15 p.m. by Chairman Fred Columbo.

By roll call members present were Chairman Fred Columbo, David Barboza and Roger Birtwell.

Additions, Deletions, Corrections to the Agenda:

There were no additions, deletions or corrections to the agenda.

Approval of Minutes

Mr. Columbo noted that the April 8, 2009 meeting was a regular meeting and not a special meeting as noted in the minutes. He also pointed out the correct spelling of Mr. Labarba's name which is Labarba. A motion to approve the minutes of the April 8, 2009 meeting was made by Mr. Barboza, seconded by Mr. Birtwell and carried unanimously.

Public Portion:

There was no one from the public wishing to speak.

7. Philip Marcucio-applicant. APPLICATION #09040802 - seeking permission to conduct a regulated activity. Proposing riparian restoration and bank stabilization on the Marcucio Garden/Lowe's property line on property at 480 New Haven Avenue, Lot #37, Tax Map #4-3.

Mr. Columbo stated that the applicant submitted a Hold Harmless Agreement to Kimco dated 4/28/09, a letter from Kimco dated 4/28/09 giving permission to enter their property to do this work and a soil scientist report dated 4/14/09 which was read into the record (copy attached).

Mr. Joyce stated that he visited the site and saw no water in the disturbed area. He stated that based upon the report the Commission can identify that there will be no regulated activity.

Inland Wetlands Agency

2

May 13, 2009

Mr. Birtwell moved that the City of Derby Inland Wetlands Agency (DIWA) based upon the

information provided by the applicant finds the following:

1. Based upon the report dated April 14, 2009, prepared by Soil Science and Environmental Services, the proposed activities do not occur within a regulated area as defined by the Derby Inland Wetland Regulations. Therefore, the activity will require a Declaratory Ruling.
2. The work that is proposed by the applicant is intended to restore a previously disturbed area and to stabilize a drainage channel that is currently in poor condition.

Therefore, the Agency moves to approve Application No. 09040802 as presented and shown on the following documents submitted in support of the application:

1. Marcucio Garden's Proposal to Derby Inland Wetlands Agency, dated March 27, 2009.
2. Two (2) sketches showing area to be restored and stabilized.
3. Correspondence dated April 14, 2009 prepared by Soil Science and Environmental Services RE: Drainage swale along eastern property line, Marcucio Gardens, 480 New Haven Avenue.
4. Site photos.
5. Consent letter from Kimco Realty dated April 28, 2009.

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 stipulations also apply.

1. Since a portion of the restoration requires work to be performed on the adjoining property, prior to any work on the adjoining property, the applicant shall provide the Agency, the Wetlands Enforcement Officer or City Engineer written confirmation that permission to perform this work on their property has been granted.
2. The applicant shall follow the recommendations outlined in the April 14, 2009 letter from Soil Science and Environmental Services which state:
  - a. Channel stabilization shall include removal of litter and debris.
  - b. Exposed tree roots shall be covered with soil.
  - c. Additional rip-rap stone shall be added to the bottom of the channel
  - d. Any disturbed soils within and alongside the channel shall be seeded and mulched.

- e. A row of staked haybales shall be maintained along the west side of the channel until all disturbed soils are stabilized with vegetation.

3. A stone check dam shall be installed in the existing channel immediately downstream of the area of stabilization and channel restoration to protect any erosion from impacting Two Mile Brook during the restoration efforts.
4. Any significant 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.
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, developer 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 express or implied, that future regulated activities will be permitted on this site.

The motion was seconded by Mr. Barboza and carried unanimously. Mr. Columbo stated that the fee for this application will be \$25.00.

8. City of Derby, Mayor Anthony Staffieri-applicant. APPLICATION #09051301 - seeking permission to conduct a regulated activity proposing municipal drainage improvements, to repair and replace inadequate drainage system in the Gilbert Street neighborhood.

Mr. Columbo reviewed the application. Mr. Joyce stated that they received consent letter from the property owners except for one or two, which they anticipate receiving shortly. He stated that they were retained by the City of Derby to investigate and provide improvements to the drainage on Gilbert Street. There have been frequent drainage problems in this area for a number of years. They reviewed several approaches to solve the problem and this application is just one step in the process but the most urgent one. He stated that the condition of the pipe is awful and it causes major problems. Mr. Joyce stated that given the construction activity associated with this project a public hearing will be necessary. The construction is very close to people's homes.

He stated that they are pursuing a separate process to make improvements to the spillway and will be meeting with DEP to discuss this. He also noted that there are no easements in the Gilbert Street area. The work needs to be done during the summer months and is a complicated process. The improvements are designed to accommodate a 50 years storm; however, the future modifications to the spillway will accommodate a 100 year storm event. He stated that trash racks will be installed in two locations which should help with the debris that gets caught in the pipes. He stated that they will be notifying the adjacent property owners as well as the subject owners.

Mr. Columbo stated that based on the data presented a public hearing will be held at the June 10, 2009 meeting.

9. Michael Tracz-applicant. APPLICATION #09040803 - seeking permission to conduct a regulated activity: proposing to stockpile fill material on site for future use - possible construction of a building on property at 151 Water Street. Lot #170, Tax Map #8-5.

Mr. Columbo read a letter dated 5/13/09 from Michael Tracz asking to have this item continued to the June meeting. Mr. Birtwell moved to table the application from Michael Tracz to the June 10, 2009 meeting. The motion was seconded by Mr. Barboza and carried unanimously.

10a. Engineering Fees: Milone & MacBroom, Inc. for the City of Derby:

Mr. Columbo stated that no bills were received.

10b. Post/tags for non-encroachment lines.

Mr. Columbo stated that Mr. Dinice is working on this and is absent from this meeting and will report next month.

Mr. Columbo stated that John Clark, Derby Milford Road was issued a cease and desist order. He spoke with him and advised him to file application and will speak with him again. Mr. Joyce asked if it was a cease and desist order or stop work order as it makes a difference on how it is handled.

A motion to adjourn was made by Mr. Barboza, seconded by Mr. Birtwell and carried unanimously. The meeting was adjourned at 8:45 p.m.

ATTEST:

Maryanne DeTullio

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