

**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

August 26, 2009

(Meeting Taped)
by Ms. Kimberly M. Alger

Minutes of Derby Inland Wetlands Agency (SPECIAL MEETING) meeting of Wednesday, August 26, 2009 at Aldermanic Chambers, New City Hall, 1 Elizabeth Street, Derby. This meeting was called to order at 10:00 a.m. by Chairman Fred Columbo.

Mr. Columbo made note that the agenda is posted downstairs by the Town Clerk, Laura Wabno, and on the front door of the meeting hall upstairs at City Hall.

2. The Pledge of Allegiance.

3. By roll call members present were Chairman Fred Columbo, Philip Marcucio, and Roger Birtwell. Additionally, substitute recording secretary Kimberly M. Alger, Ryan McEvoy: Professional Engineer for Milone & MacBroom, the engineering firm for the City of Derby, and Mr. Walter Hine & son, Gregg Hine.

4. Walter S. & Dorothy Louise Hine, Sodom Lane, Lot #19, Tax Map #2-3, Discussion of approved APPLICATION# 06071201, and discussion of ongoing activity mentioned in the certified letter dated August 17 2009, signed by David L. Kopjanski, Derby Inland Wetland Agency's Enforcement Officer.

As a matter of record, Mr. Columbo noted that the applicants folder contains a copy of the certified letter, a copy of the Derby Inland Wetland Agency's meeting minutes from the June 12, 2006 meeting, and a copy of the agenda. Mr. Columbo also reported that an on-site inspection took place on Friday, August 21, 2009 with Walter Hine, Gregg Hine, David Kopjanski, Mike Joyce, along with himself, Fred Columbo.

Mr. Columbo also reported that on Saturday morning, August 22, 2009, he received a telephone call from Walter Hine requesting that he return to the site to reinspect it due to the heavy rainstorm that took place on Friday evening, August 21, 2009. Mr. Columbo returned to the site along with Ms. Kimberly Alger who assisted in taking pictures of the area that Mr. Hine had requested. This area is located down the long dirt road, just beyond the end of the cow pasture. The brook in that area was piped.

(A five minute recess was taken as Mr. David Kopjanski, the Derby Inland Wetland Agency's Enforcement Officer was called to join the meeting.)

(The meeting resumes with David Kopjanski present at approximately 10:20 am).

Mr. Columbo noted that Mr. Kopjanski was the one who sent the cease and desist letter (dated August 17, 2009) to Walter Hine because of an anonymous phone call that he had received.

Mr. Kopjanski goes on to explain that he received an anonymous phone call around August 15, 2009 that on Hines' Farm in Derby, a portion of the Two Mile Brook was being piped. Piping a brook requires (amongst other things) approval from the Derby Inland Wetland Agency because it is a regulated activity, essentially changing a water course. Based upon that information, Mr. Kopjanski investigated and then sent a certified letter dated August 17, 2009 addressed to Mr. and Mrs. Hine stating that the activity of disturbing of Two Mile Brook, and a hearing will be held within 10 calendar days on August 26, 2009. As required by DIWA regulations lifted or to get some information on what application would be required to submit it to the DIWA.

It was suggested by Ryan McEvoy and Mr. Columbo that Mr. Hine use the map to show the location of the activity taking place.

Mr. McEvoy explains that this map is a map of the Sanitary Sewer Extension for the residential development in Orange, CT. This map shows wetlands and watercourses, a piped watercourse, and a gravel driveway in this location. This wetland comes from the discharge pipe from the drainage across Route 34 from the residential development. It splits in two directions, one to a watercourse in this direction, and the other to a pond, and then they convene just off this map, before Two Mile Brook.

Mr. Kopjanski explains that Two Mile Brook is not one course of water, it is a system of feeder streams, which ultimately winds up converging on the Orange side of Route 34 continues across the Derby/Milford open road and onward into the Housatonic river. The Two Mile Brook starts up in Ansonia and Woodbridge. Parts of it may start in Orange, parts of it even start in Derby, but it's a system, it's a watershed.

Mr. Kopjanski asks Mr. Hine if he would explain what was the purpose of piping the brook. Mr. Gregg Hine replied that he would eventually like to make the pasture over by widening it a little bit.

Mr. Roger Birtwell confirms that Mr. Walter Hine's initial application did request permission to conduct this activity, however, according to the meeting minutes on June 12, 2006. Mr. Walter Hines was also supposed to contact DIWA for authorization to make sure that he was in compliance with the regulations. Mr. Hines stated that 2 or 3 members came down to look at the things they were going to do.

Mr. Columbo states that when referring back to the meeting minutes from July 12, 2006, page 2, second paragraph, Mr. Joyce stated that there should be close contact between Wetlands Enforcement Officer and the City Engineer about when the work will be done. Mr. Joyce suggested that Mr. Hine contact the Chairman about the start date, and that they should have the opportunity to make recommendations if soil and erosion measures are necessary. Mr. Columbo stated that this part was not completed because he was never notified by Mr. Hine.

Mr. Columbo explained that when an application is approved, there is a 2 year limit, and after the 2 years is up, the application has to be renewed.

Mr. McEvoy adds another issue that he wanted to bring to everyone's attention is that the work that Mr. Hine is looking to do is work right on the fringe of that flood plane. Because of the fact that they are some distance away from that pond, and the fringe of that flood plane is not too far from that pond, (it's a little unclear as to whether they are actually in it or not) but that's something that if this commission wouldn't take under consideration, the Planning and Zoning Commission would.

(Discussion of the mapping and sizes of the piping took place).

Mr. Kopjanski states that his recommendation would be to leave everything as it is, and not to disturb anything that hasn't been disturbed already. Then for Mr. Hine to submit an official application to show what he proposed to do, how far he would like to pipe this watercourse, including an engineered site map, hydraulic calculations, and to follow the procedures for an application as outlined in the DIWA regulations.

Mr. Columbo stated that the cease and desist remains in place and that the DIWA looks forward to receiving an application in the near future from Mr. Walter Hine for future improvements on his farm.

After much discussion, everyone was happy.

A motion to adjourn was made by Mr. Philip Marcucio, seconded by Mr. Roger Birtwell. The meeting was adjourned at 11:00 am

ATTEST:

Kimberly M. Alger
Recording Secretary

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