

**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**

September 8, 2010
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, September 8, 2010 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, David Barboza, Paul Padilla, Phil Marcucio and Roger Birtwell. Also present was Ryan McEvoy, Milone & MacBroom.

Additions, Deletions, Corrections to the Agenda

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

Approval of Minutes

Chm. Columbo stated that the approval of the August 11, 2010 minutes will be continued to the October meeting.

Public Portion

There was no one from the public wishing to speak.

9c. City of Derby Police Department Incident Report #10-9431: Homeowner cutting down plants and brush on City of Derby property, in a wetlands buffer area, adjacent to her property, without permission.

Kelly Morgan, 76B Academy Hill Rod was present. Chm. Columbo stated that he received two phone calls that work was being done on property by Kelly Morgan and also on City property. He stated that the police were called by David Kopjanski, Wetlands Enforcement Officer. Mr. Columbo read the police report. Mrs. Morgan stated that she is very satisfied with what the City of Derby had done in cleaning out the area. She stated that there was one dead tree left and the seagrass was very intrusive. She stated that she was just removing the dead tree. Mr. Columbo stated that it was on City property. Mrs. Morgan stated that both she and her neighbor notified the City of Derby, Mr. Columbo and Mr. Kopjanski concerning the problem.

They were told by DPW that the equipment would not be coming back out to do anymore work. Chm. Columbo stated that he has discussed this situation with the Chief of Policy and Corporation Counsel and it was their recommendation that she go to the Board of Aldermen. Chm. Columbo stated that he will send a letter to them explaining the situation. He also stated that he will recommend that the area be restored with wetland plantings and a split rail fence along city property be erected by the City so that there is a permanent marking where the restricted area is. Mr. McEvoy stated that someone from Milone and MacBroom can look at the area and determine what should be planted there and what would be appropriate.

Mr. Birtwell moved to authorize Milone and MacBroom to investigate the area in question and recommend what would be best to restore it. The motion was seconded by Mr. Marcucio and carried unanimously.

8. Susan Giordano-applicant. APPLICATION #10071401 – Seeking permission to conduct a regulated activity; proposing to construct 1 new, single family house on property at 19 McConney's Grove, Lot #2, Tax Map #12.

Joseph Mingoello was present for the applicant. Chm. Columbo stated that a report was received from Soil Science and Environmental Services dated 8/30/10. Their report stated that they investigated the property and dug test holes and determined that all of the property at 19 McConney's Grove qualifies as a inland wetlands. Mr. Mingoello stated that the soil scientist and he was not available to come to this meeting to discuss the report. Mr. Mingoello stated that they have submitted a letter requesting an extension to the next meeting. Mr. Ryan stated that this area is a non-productive type wetlands soil and in this case not classified as a wetlands by the Army Corps of Engineers or any other body. Mr. Marcucio stated that the Agency just wanted the report to delineate where the wetlands area. He stated that if Naugatuck Valley Health approves the septic system he does not see a problem. Mr. Mingoello stated that they have the permit from Naugatuck Valley Health for the new system. Mr. Columbo stated that he agreed but felt that the soil scientist should be here to comment on his report and answer any questions that the members may have.

Mr. Ryan stated that the Agency should determine whether this is a significant activity and if a public hearing should be held. Mr. Columbo stated that he would like to hear from the soil scientist before determining if a public hearing is necessary. Mr. Mingoello stated that the public hearing could be scheduled for the same meeting as the soil scientist.

Mr. Marcucio moved to grant the 65 day extension requested by the applicant and also to schedule a public hearing on the application at the October meeting. The motion was seconded by Mr. Barboza and carried unanimously.

7. Orangewood East Condominium Association, Harvey Finkel-applicant. APPICAITON #10081101-seeking permission to conduct a regulated activity: proposing to resurface pavement/driveway/parking area, and provide public safety drainage improvement on property at Shagbark Drive, Lot #18, Tax Map #3-2.

Harvey Finkel and Mark Lancor were present. Mr. Finkel stated that since the last meeting they have received the report from Milone and MacBroom and they concur with the recommendations from them. Mr. Lancor stated that at the last meeting there was some concern regarding potential runoff to to some changes being proposed. He stated that this is a tight area but you will not see any increase in runoff. Mr. McEvoy stated that he agreed with their statements.

Mr. Padilla moved that the City of Derby Inland Wetlands Agency (DIWA) having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourse Regulations of the City of Derby and after review of written and verbal information provided by the applicant, Commission members and City staff, finds the following:

1. On July 29, 2010, Orangewood East Condominium Association (Applicant) submitted an application No. 10081101 for activities within 50 feet of the wetlands and other upland areas adjacent to the wetlands. The activities are associated with resurfacing of pavement and rerouting existing roof leaders directly to drainage structures.
2. A watercourse runs partially within the subject parcel and through adjacent properties and it is an unnamed tributary to Two Mile Brook.
3. There will be approximately 10,000 sf (0.23 acres) of disturbance within the 50' regulated upland review area for the purpose of pavement surfacing and drainage upgrades.
4. That this application is not a "significant activity" in accordance with the definition of "significant activity" as found in the Regulations of the DIWA and will require a summary ruling.
5. That the proposed drainage improvements will not result in an increase in runoff during the 100-year storm.
6. Information was provided by the Applicant, City staff, and Commission members and during the regularly scheduled meetings held on August 11, 2010 and September 8, 2010.

Therefore, the Agency moves to approve Application No. 10081101 as presented and shown on the following documents submitted in support of the application:

1. Plans entitled "Orangewood East Paving, Drainage, and Site Improvements, Shagbark Drive, Derby, Connecticut", prepared by Dymar with the following plans:

- a. "Sheet C-1 – General Legend, Abbreviations, and Notes", dated 6/10/2010, scale: no scale.
- b. "Sheet C-2 (A&B) – Existing Conditions Plan", dated 6/10/2010, scale 1"=30'.
- c. "Sheet C-2 (C&D) – Existing Conditions Plan & Pavement Base Materials", dated 6/10/2010, scale 1"=30'.
- d. "Sheet C-2 (E&F) – Existing Conditions Plan & Pavement Thickness Ranges", dated 6/10/2010, scale 1"=30'.
- e. "Sheet C-2 (A&B) – Proposed Site Drainage and Utility Improvement Plan", dated 6/10/2010, scale 1"=30'.
- f. "Sheet C-4 (A&B) – Pavement Development Plan", dated 6/10/2010, scale 1"=30'.
- g. "Sheet C-5 – Sediment and Erosion Control Construction Standards", dated 6/10/2010, scale: no scale.
- h. "Sheet C-6A – Sediment and Erosion Control Construction Details", dated: 6/10/2010, scale: no scale.
- i. "Sheet C-6B – Drainage Details", dated 6/10/2010, scale: as noted.
- j. "Sheet C-6C – Road Construction, Storm Sewer and Miscellaneous Site Details", dated 6/10/2010, scale" as noted.
- k. "Sheet C-6D – Ramp, Pavement, Miscellaneous Site Details", dated 6/10/2010, scale: as noted.
- l. "Sheet C-6E – Redi-Rock Retaining Wall and Sign Details", dated 6/10/2010, scale: as noted.
- m. "Sheet C-6F – Sidewalk and Miscellaneous Site Details", dated 6/10/2010, scale: as noted.

2. Letter from Dymar to Mr. Fred J. Columbo, Jr., Chairman DIWA dated 9/8/2010.

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 stipulations also apply:

1. Lack of compliance with any stipulation 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 Derby Inland Wetlands Agency to determine if additional review and approval is necessary.
3. Prior to any construction activities covered by this permit, the applicant shall have the following items both completed by a qualified party and verified as complete by the City Engineer, Corporation Counsel and/or Wetlands Enforcement Officer.
 - a. Pursuant to Section 12 of the Regulations Protecting the Wetlands and Watercourses of the City of Derby, a bond covering the costs of the sedimentation and erosion control measures shall be filed with the City Clerk. The amount and form of the bond shall be approved by the City Engineer and Corporation Counsel. A minimum of \$5000 of the approved bond shall be submitted in the form of a separate cash bond.
 - b. Prior to any clearing or earthmoving activities, the proper installation of all sediment and erosion control measures indicated on the above referenced plans and the applicant shall review the level of sediment within the existing drainage system in Sodom Lane. The findings shall be reported to the Derby Wetlands Enforcement Officer, Public Works Department, and/or City Engineer for review. Any additional sediment found in the drainage system in Sodom Lane post construction should be removed at the applicant's expense.
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.
5. 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 0.5 inches or greater and until the City of Derby determines that inspections are no longer required.
6. 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.

7. A contact individual together with a 24-hour phone number shall be designated with responsibility and authority to receive notices of any breaches or deficiencies of sedimentation and erosion controls on-site, and to coordinate repair on any such breach or deficiencies within 8 hours of the notice from the sediment and erosion control inspector, Wetland Enforcement Officer, City Engineer or any other duly authorized representative of the City of Derby.

8. 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.

9. Per Section 18.5 of the Regulations, the DIWA approves the application as a summary ruling and the applicant shall pay a fee of \$200.00 to the City of Derby Finance Office.

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

9a. Engineering Fees: Milone and MacBroom, Inc. for the City of Derby

Mr. Birtwell moved to pay the invoice from Milone and MacBroom dated August 12, 2010. The motion was seconded by Mr. Marcucio and carried unanimously.

9b. Levee Certification on the Derby River Walkway: follow-up discussion.

Mr. Columbo stated that this was discussed last month. Mr. McEvoy stated that all borings have been completed. They are performing inspections of the storm drainage system. He stated that in the future they will be doing some detail analysis of the pump stations in Derby and Ansonia.

A motion to adjourn was made by Mr. Padilla, seconded by Mr. Birtwell and carried unanimously. The meeting was adjourned at 8:10 p.m.

ATTEST:

Maryanne DeTullio

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