

**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**

July 12, 2006
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, July 12, 2006.
Chairman Fred Columbo at conference room, New City Hall, 1 Elizabeth Street, Derby.
This meeting was called to order at 7:00 p.m. by Chairman Fred Columbo.

By roll call members present were Chairman Fred Columbo, Philip Marcucio, David Rogers, Paul Dinice, Jr. and Roger Birtwell. Michael Joyce from Milone & MacBroom was also present.

Additions, Deletions, Corrections to the Agenda:

A motion to add as Item 12(e) Tom Furnari, Lanzieri Court detention basin was made by Mr. Birtwell, seconded by Mr. Marcucio and carried unanimously.

Public Portion:

Dan Waleski, 21 Elm Street stated that he would like to comment on the item on the agenda regarding Hine Farm.

Karen Kemmesies, 25 John Street stated that she would like to speak on the item regarding the road bond project when it is being discussed. She also stated that Mr. Hine had received previous approval for fields on his property and that project is going well. She also stated that his property is in close proximity to Two Mile Brook.

Acceptance of Minutes

A motion to accept the minutes of the June 14, 2006 meeting was made by Mr. Birtwell, seconded by Mr. Marcucio and carried unanimously.

Walter Hine - Applicant. APPLICATION #06071201 0 - "Proposed Farming Activity" on Hine Farm, Route #34.

Mr. Columbo read a letter from Mr. Hine dated 7/12/06 outlining what he would like to do on his property. He would like to expand and increase some of his property into growing fields. He had previously submitted maps showing the areas which he would like to work

in. The letter indicated that this can be done under the Right to Farm Act of the State of Connecticut regulations and a copy of those were also submitted. Mr. Columbo stated that he met on the site with Mike Joyce and they are not going to be encroaching on any wetlands. This will be strictly a farming activity to increase production of crops. No structures will be built.

Mr. Joyce felt that it would be helpful if he could identify on the plan the area to be expanded. Mr. Hine stated that they are just informing the Agency of what they are planning to do. Mr. Joyce stated that there should be close contact between the Wetlands Enforcement Officer and the City Engineer about when the work will be done. He suggested that Mr. Hine contact the Chairman about the start date. He also felt that they should have the opportunity to make recommendations if soil and erosion control measures are necessary.

Dan Waleski, 21 Elm Street stated that the farm has been in existence for many years. The proposed clearing will be on farm land that was cultivated years ago and it is not detrimental at all.

Mr. Dinice stated that it does appear to be in accordance with the regulations but it does not show the area of work on the plans. Mr. Marcucio suggested that when they are ready to begin the work he can submit another plan. They will be away from the brook and buffer. Mr. Hine stated that he does not have any time frame for doing the work.

Mr. Columbo stated that no application is necessary and the Agency is in favor of the project. He stated that Mr. Hine inform the Agency when he will be doing the work and submit a more detailed plan at that time.

John Fitzgerald - Applicant, APPLICATION #06071202, seeking permission to conduct a "Regulated Activity" proposing to trim, prune and cut trees on Lots #1014, 1016 and 1018 Roosevelt Drive.

John Fitzgerald was present. Mr. Columbo stated that an application and State form were submitted as well as a property map. Mr. Fitzgerald also submitted a letter from R. DiCostanzo indicating that he had no objection to the tree cutting. Mr. Columbo stated that he had asked the members to go out to the area so they would have a better idea of what is being proposed.

Mr. Fitzgerald stated that he is proposing to cut some trees and remove them along with debris on the site. No stumps will be removed. Trees will be pruned and the site cleaned up. Mr. Joyce stated that he

was on the site and asked what the ultimate goal is for this property. Mr. Fitzgerald stated that the elevation of the property is approximately 8 to 12' higher than the River. He stated that some of the trees are falling over and the area is overgrown with brush and vines. Mr. Dinice asked about the stability of the site and why they are being removed if there is no future use. Mr. Fitzgerald stated that he would like Inland-Wetlands Commission

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to make it a more parklike area. Mr. Joyce stated that he will need an encroachment permit from the DOT. Mr. Fitzgerald stated that he has access through the adjacent property to do the work and he will be using a bucket truck with an extended arm. Mr. Joyce asked about the flood plain elevation and Mr. Fitzgerald stated that he will get that information.

A motion to approve the application as a summary ruling was made by Mr. Dinice, seconded by Mr. Marcucio and carried unanimously.

John Pawlowski - Applicant, Michael O'Bymachow - Agent. APPLICATION #060551001 - Seeking permission to conduct a "Regulated Activity" proposing a three (3) lot subdivision and construction of two (2) single-family homes at 23 Clark Street Extension, Lot #4, Tax Map #6-11.

John Pawlowski, 21 Jonathan Lane, Shelton was present . Mr. Joyce asked if he had received sewer approval and Mr. Pawlowski stated that he has not and it is his intention to still go through the proposed easement for the sewers. Mr. Joyce also felt that it was important to have a tree protection plan.

Mr. Birtwell moved that the City of Derby Inland Wetlands Agency (DIWA) in accordance

with Section 11.10 of the Inland Wetland and Watercourse Regulations of the City of Derby find after review of written and verbal information provided by the applicant, Commission members and City staff that the proposed activity does not involve a regulated activity.

Therefore, the Agency moves to approve Application No. 06051001 as a Declaratory Ruling and as presented and shown on the following documents submitted in support of the application.

1. The following drawings prepared for Fairfield County Custom Homes, LLC by Nowakowski-O'Bymachow-Kane, Associates:

- a. "Proposed Subdivision Plan", dated April 20, 2006 and revised through 6/7/06, drawn at a scale of 1" = 20'.
- b. "Site Plan, dated April 20, 2006 and revised through 6/19/06, drawn as a scale of 1"=20'.
- c. "Detail Sheet", dated April 20, 2006 and revised through 6/7/06, drawn at a scale as noted.

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. Erosion control blankets shall be used during the stabilization and re-vegetation of the slope along the uphill side (left side) of proposed Lot #2. Details shall be provided on the plans.

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2. The plans shall show the limit of the pavement repairs, including pavement disturbance limits for the sewer lateral connections on Academy Hill Road and the proposed water service on Clark Street Extension.

3. The "Site Plan" drawing shall be revised to show where the proposed water service will be connected to an existing water main.

4. The "Site Plan" drawing shall be revised to show a gradual berm along each property line which will direct runoff away from the adjoining properties and toward the road or the heavier areas of vegetation to the rear of the property.

5. The "Site Plan" shall be revised to show the high level overflow locations for the infiltration systems.

6. A tree protection detail shall be provided to identify how the 10(+/-) larger trees identified on the plans will be protected during construction.

7. When possible, all footing drains shall be installed to daylight to grade. Otherwise, footing drains must discharge to a catch basin and be fitted with a back flow prevention device. The proposed footing drain connection for Lot 3 will not be permitted as shown.

8. 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.

9. 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.

10. Prior to the conveyance of any lots from the Owner, the following items shall be completed:

a. Arrange for the filing of this approval on the Derby Land Records.

11. 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 and/or Wetland Enforcement Officer:

a. Prior to any clearing or earthmoving activities the accurate staking and/or flagging of all clearing limits shall be performed.

b. The proper installation of all sediment and erosion control measures indicated on the above referenced plans.

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12. All disturbed areas on the site not directly required for construction activities shall be temporarily hayed and seeded until permanent vegetation is established.

13. 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 prior to the commencement of any construction activities covered by this permit approval, including tree clearing. The amount and form of the bond shall be approved by the City Engineer and Corporation Counsel.

14. 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.

15. 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 with 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.

16. The applicant and/or developer shall contact the City Engineer 48 hours in advance of the installation of the storm water infiltration systems on each lot and prior to the connection of any footing drains to the City storm drainage system.

17. 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. Marcucio and carried unanimously.

10. Jalowiec Realty Associates, LP - Joseph C. Jalowiec Applicant, APPLICATION #06071203 - seeking permission to conduct a "Regulated Activity" proposing an expansion of two (2) office buildings on Lots #29 and #30 - Tax Map #3-2 at 90 and 114 Sodom Lane

Jim Rotondo, Brook Street, Shelton stated that they had a meeting with staff regarding this application. There are two properties with wetlands on the site and a stream that bisects the lots. The wetlands are approximately .22 of an acre. There is also an existing 15' sanitary sewer easement to the City of Derby which runs adjacent to the stream. They are proposing an expansion of both buildings and the parking areas on both properties. The existing utilities will be maintained and a storm water management system on each site. There will be catch basins and sub-surface pipes for detention. They will be proposing to fill some of the wetlands area for the parking and pedestrian bridge that will connect both parcels.

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Mr. Joyce asked about a soil scientist report and Mr. Rotondo stated that there was one done in 1997. Mr. Dinice felt that was too long ago and a new report done. Mr. Columbo asked about the area of the wetlands that they are proposing to fill and Mr. Rotondo stated that it does not appear to be a productive wetlands area. Mr. Columbo stated that this will be a significant activity and a public hearing will be held at the July meeting.

Ton Furnari, Lanzieri Court - Detention Basin.

Mr. Furnari stated that there is a detention basin at the end of Lanzieri Court and he was concerned about some maintenance issues regarding the basin. There was a discussion concerning this and Mr. Joyce stated that the maintenance is suppose to be done an annual basis and reports submitted.

City of Derby, Michael Joyce, P.E. Applicant - APPLICATION #06071204 for various Road Bond Projects.

Mr. Joyce stated that as a result of some of the road repaving there are drainage work that needs to be done. He stated that at the intersection of Grandview Boulevard and Turner Avenue catch basins will be installed. They will also be doing work on Mohawk Avenue where there is a continual flow of ground water. Storm drains will be installed and they would like to get this work done before the winter months. Mr. Joyce stated that there are also some problems with runoff on John Street. He stated tact they will be moving ahead with the drainage work there but there might be some additional work that needs to be done with the intersection.

Karen Kemmesies, 25 John Street stated that they have been waiting a long time for the drainage work to be done and there are ongoing problems in that area. She asked that something be done quickly.

Angelo Mongillo, 29 John Street stated that he has had serious problems on his property with runoff.

Mr. Joyce stated that drainage work will also be done in the Silver Hill Road and Cullens Hill Road area.

8a. Engineering Fees - Milone & MacBroom, Inc. For the City of Derby; Statement of Account, July 12, 2006.

Mr. Marcucio moved to approve the payment of the Milone & MacBrom, Inc. statement of account dated 7/12/06. The motion was seconded by Mr. Dinice and carried unanimously.

9b. Witek Park Report.

Mr. Joyce presented a time line summary of the project and a dam inspection report for the upper and lower dams. Mr. Columbo asked the members to review these reports.

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Renew membership to CACIWC.

A motion to renew the membership to CACIWC (annual dues \$60.00) was made by Mr. Birtwell, seconded by Mr. Dinice and carried unanimously.

Office Supplies

Mr. Columbo stated that he has ordered a computer, printer and software which is in the range of \$700.00.

A motion to adjourn was made by Mr. Birtwell, seconded by Mr. Marcucio and carried unanimously. The meeting was adjourned at 9:35 p.m.

ATTEST:

Maryanne DeTullio