

**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**

December 13, 2006
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, December 13, 2006 at Aldermanic Chambers, 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, Paul Padilla, Philip Marcucio, David Rogers, Paul Dinice, David Barboza and Roger Birtwell (7:30 p.m.). Michael Joyce from Milone & MacBroom was also present.

Additions, Deletions, Corrections to the Agenda:

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

Public Portion:

There was no one from the public wishing to speak.

Acceptance of Minutes

Mr. Marcucio moved that the minutes of the November 8, 2006 meeting be accepted. The motion was seconded by Mr. Padilla and carried unanimously with Mr. Dinice abstaining.

7. Griffin Hospital Services Corporation, Paul Toburen Applicant, APPLICATION #06110801 - Seeking Permission to construct an Ambulatory Care Center on Property at Seymour Avenue/Division Street, Lots #54, 55, 55A, 55B, 69, 69, 71, 72 & 73, Tax Map #8-11.

Attorney Tom Welch was present for the applicant and stated that the application was continued from last month in order to give the City Engineer an opportunity to review the plans. Kyle Slocum stated that the operational plan

was amended in response to some of the comments from the City Engineer. He stated that boring logs and planting plans were also submitted. He stated that he spoke with Mr. Joyce to clarify some of the questions that he had. Mr. Joyce stated that there is not a lot of regulated activities; it is mainly drainage issues. Mr. Slocum stated that they are proposing to continue to use the location from the parking lot that was shown on the original plan. They will be putting in a continuation of the sidewalks along Division Street. The State of Connecticut will be doing some roadwayInland-Wetlands Agency

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improvements and the drawings have been modified to accommodate those changes. Graham Curgtiss reviewed the storm drainage system.

Mr. Slocum spoke about the clearing of the site and stated that they will be brining in additional fill and will also have to crush a lot of the rock. The crushing operation will be located on site and they will have mitigated measures to cut down on the dust from this operation. Mr. Marcucio asked how long the crusher will be on the site and Mr. Slocum stated that he was not sure and the materials will be used throughout the site. Mr. Joyce

stated that will be addressed by the Planning & Zoning Commission. Mr. Slocum stated that there was some ground water observed when the test borings were done. He also stated that the stockpile areas will be shown on the plans and appropriate soil and erosion control measures.

Mr. Columbo stated that the City of Ansonia was notified of the application and no response was received from them. Atty. Welch stated that they have met with the neighbors to make sure that they are aware of the project and are aware of their concerns. Mr. Columbo stated that based on everything presented a decision could be made on the application. There are no wetlands on site and the main concern is the drainage. He stated that this is an important project for the City and surrounding communities and also felt that any fees should be waived.

A motion was made by Mr. Marcucio to waive the fees. The motion was seconded by Mr. Padilla. Mr. Dinice asked if that would include the city engineer fees and Mr. Columbo stated that it was only the application fee. The motion was carried unanimously.

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

8. Orangewood East Condominiums, Scott O'Brien - Applicant, APPLICATION #06110802 - Seeking permission to conduct a "Regulated Activity"; proposing to trim and cut trees on property at 178 Shagback Drive/Sodom Lane. Lot #18, Tax Map #3-2.

Scott O'Brien, 178 Shagbark Drive was present and stated that all the trees proposed to be trimmed and cut have been marked with the exception of one near Building 10. The tree has split and poses a danger. Mr. Joyce stated that he met with Mr. O'Brien on site and stated that there will be no stump removal just cutting and pruning on the trees. Mr. Dinice asked is any heavy equipment will be used and Mr. O'Brien stated that it will be done with a boom truck and hand work to minimize any disturbance. Mr. O'Brien stated that they are going to remove the debris and leaves from the wetlands areas and Mr. Columbo stated that the professional that they hire should know how to do that type of work.

A motion to approve the application as a summary ruling with a \$100.00 application fee was made by Mr. Marcucio, seconded by Mr. Padilla and carried unanimously.

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9. Mangione Properties, LLC, James E. Cohen - Applicant. APPLICATION #06121301 seeking permission to conduct a "Regulated Activity" proposing to construct a four-bay building to house four (4) construction contractor's businesses at 2 Commerce Street, Lot #1 and 1A, Tax Map #7-4.

Atty. James Cohen was present for the applicant. He stated that the property is located on the easterly side of Commerce Street and is the location of the former Petrol Plus gas station. They are proposing to construct a four by building for use by four separate

businesses. It conforms to the B-2 zone regulations and they will be cleaning up a site that was once used for the sale of gasoline. They will be reducing the amount of impervious paved area by approximately 1400 s.f. which will result in significantly reducing the runoff. There are no wetlands on site and the only real issue is the runoff. He stated that the existing drainage system will remain and an additional pipe added. There is no regulated activity and no impact. Mr. Columbo asked the type of building and Mr. Mangione stated that it will most likely match the Kelly Mart building. Mr. Joyce stated that he has reviewed the application for P&Z and a review letter sent to the applicant. There is the flood plain coming through Commerce Street and the drainage system on the property. Atty. Cohen stated that the property became separated from the adjacent property which was once under one ownership. Mr. Joyce stated that it is important that the catchbasins work properly. Mr. Mangione stated that the tanks will be removed and the site tested. Mr. Joyce also stated that proper soil and erosion controls need to be in place. Atty. Cohen stated that the building will be higher than the flood plain and all necessary data submitted. Mr. Marcucio asked to have their engineer present at the next meeting to answer any questions the Agency has. Mr. Columbo stated that the application will be continued to determine if it is a regulated activity and that will be determined once all data concerning the flood plain is received. He urged the members to make an on-site visit.

10a. Engineering Fees - Milone & MacBroom, Inc. for the City of Derby November 10, 2006.

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

10b. Witek Park report.

Mr Columbo stated that he spoke with Ken Hughes and the Park has been closed to vehicular traffic for the winter months and the City will police the area a few times a week. Mr. Joyce stated that the storm water sampling summary report will be available at the January meeting.

10c. Walter Hine pond on Hine Farm, Baldwin Road.

Mr. Columbo stated that he received a call from a State Commissioner that some adjustments were made to the pond and Mr. Hine stated that he did the work because he
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was concerned with ATVs on his property. Mr. Marcucio stated that he met with Mr. Hine and he dredged out some materials and built a berm around the easterly side of the pond. A fence and haybales were added and by the addition of the berm it prevents him from going in there again. Mr. Dinice asked if an application was necessary and Mr. Marcucio stated that the work needed to be done immediately and the pond is in better condition now.

Mr. Columbo stated that he spoke with the State representative and indicated that the Agency was satisfied with the work.

10d. Twin Oaks Subdivision, Pulaski Highway and Coe Lane, Ansonia

Mr. Columbo stated that the plans were reviewed by Mr. Joyce and Mr. Marcucio attended the Planning & Zoning public hearing in Ansonia. The plans have been changed reflecting some of the comments made by the City Engineer. They have closed the public hearing but no action has been taken.

A motion to adjourn was made by Mr. Marcucio, seconded by Mr. Padilla and carried unanimously. The meeting was adjourned at 8:35 p.m.

ATTEST:

Maryanne DeTullio