

**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**

October 10, 2007
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, October 10, 2007 at Aldermanic Chambers, New City Hall, 1 Elizabeth Street, Derby. This meeting was called to order at 7:30 p.m. by Chairman Fred Columbo.

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

Additions, Deletions, Corrections to the Agenda:

Chm. Columbo stated that he had a few additions to the agenda. No. Item 8d will be Michael Bologna, Attorney/Carol Ann Furnari, letter (3 pages) dated September 26, 2007; Item 8e will be Larry Dickovick, 908 Baldwin Road, Woodbridge, CT. letter dated 8/1/07; and Item 8f will be Carl Yacobacci, Clark Development, LLC for 148-156 Main Street, Lot #185, Tax Map #88-5, signed off for this on September 11, 2007. Mr. Marcucio moved that these items be added to the agenda. The motion was seconded by Mr. Birtwell and carried unanimously.

Approval of Minutes

Mr. Birtwell moved that the minutes of the August 8, 2007 meeting be approved. The motion was seconded by Mr. Columbo and carried unanimously with Mr. Marcucio abstaining. Chm. Columbo noted that the September 12, 2007 meeting was cancelled.

Public Portion:

Ron Chirgwin, 3 Hine Terrace was present in regard to dumping from neighbors into Two Mile Brook. He stated that it was taking place on Krakow Street where the owner of two houses repeatedly dumps leaves, brush and debris into the brook. He stated that it is almost two-thirds across the brook and feels that it should be addressed before it becomes a more serious problem. He feels that the individual should be made to clean out that area. Mr. Chirgwin stated that he and another neighbor have attempted to pull out his brush. He stated that he feels that the individual will probably need a mini excavator to clean this out. This has been going on for sometime since this individual purchased the houses. Chm. Columbo stated that he appreciated

he will notify David Kopjanski of the problem.

7. Whitey's Marina, Susan Giordano - applicant. APPLICATION #07101001 - Seeking permission to conduct a "regulated activity"; proposing to renovate and construct an addition to an existing building at 412-418 Roosevelt Drive.

Ted Witek representing the applicant was present. Chm. Columbo reviewed the application. Mr. Witek stated that the property is located on the southwesterly side of Roosevelt Drive. Mr. Witek explained the site and the tenants and indicated that there is adequate parking on site. He stated that there are tree trunks in the 50' area which will be plowed down to grade level. Susan Giordano, owner of Whitey's Marina stated that the intent is to renovate the bottom floor and make other improvements to the site. She stated that there are docks there and they will remain.

There will be no impact to the river from this project. Mr. Columbo stated that the Agency will need copies of the final plans showing any revisions including the haybales and stipulations regarding re-fueling. Mr. Birtwell moved that the application be approved as a declaratory ruling with the stipulated conditions discussed. The motion was seconded by Mr. Marcucio and carried unanimously.

8c Davis Oil Company, 40 Cedar Street - Modification of Approval.

Don Smith was present for the applicant. Mr. Smith stated that there are two 12,400 gallon aboveground fuel oil storage tanks. In February, 2007 there was a minor leak which ended up with DEP and EPA being called and they are now trying to get in line with current standards. He stated that it is requiring a containment area around the fuel storage and delivery areas. EPA has required that they provide a liner to this containment area. Mr. Smith stated that they were before the Agency a few months ago and their proposal was to provide the liner and take the connection from that liner and provide a catchbasin within that liner area. That would have been hooked up to an oil/water separator and connect that into a sanitary sewer. They went through WPCA and they said that they did not want any water in their system. They went to DEP and they were told that they would have no problem infiltrating the stormwater that comes off this containment area. The only requirement would be that before the rainwater is released it is clean of sheen and contamination. He stated that the plans have been revised to take away the sanitary sewer connection. There will still be two catchbasins and a manual butterfly valve on the outlet of those two catchbasins. That value will be normally closed and after a rainfall event, staff of Davis Oil will need to open up that valve and drain any accumulated water out of the containment area and then close the valve. Mr. Smith stated that they have sized the infiltration system is a two year storm and there is a 100% capacity to store a one hundred year event. Mr. Smith stated that they met with Mr. Joyce to review the plans and keep them informed of the developments. He stated that they are trying to make this a foolproof as possible.

Paul Davis, Davis Oil Company explained the containment area and how the trucks are used. Mr. Smith stated that the DEP is requiring a containment area around the tanks.

They really do not care how the stormwater is handled but there has to be a containment area. WPCA says that it cannot be discharged into the sanitary sewer. Mr. Smith stated that they spoke to DEP about infiltrating, which is with two galley systems and percolating it into the ground rather than connecting it into off site catchbasin. DEP said that it is the way it has been happening for years it was all right with them as long as there was no sheen on the surface when it goes into the galleys. Mr. Smith stated that the problem is that they are substantially different than when they were before the Agency a few months ago. He also stated that Davis Oil will also have to get storm water general permit for discharge of stormwater associated with industrial activity. Mr. Columbo stated that this hearing is an informative one for the Agency from the approved applicant. He stated that Mr. Joyce will monitor the situation.

8a. Engineering Fees Milone & MacBroom, Inc. for the City of Derby statement of September 30, 2007.

A motion to pay the bills from Milone & MacBroom was made by Mr. Birtwell, seconded by Mr. Marcucio and carried unanimously.

b. Derby Shopping Center, LLC, Lowe's Home Improvement Store, 500 New Haven Avenue: Modification of Approval.

Mr. Marcucio recused himself from this discussion. Mr. Columbo stated that a report was received from Milone & MacBroom dated September 18, 2007 regarding this matter. He also stated a letter was received from them dated September 13, 2007. Mr. Joyce explained the culvert repair at the shopping center.

8d. Michael Bologna, Atty. - Carol Fanari - Letter dated 09/26/07

Mr. Columbo stated that this is some correspondence regarding Lanzieri Court and the detention basin at the end of the road.

8e. Larry Dickovick, 908 Baldwin Road, Woodbridge - Letter dated 09/01/07

Mr. Columbo stated that this gentleman is a concerned citizen from Woodbridge who lives right on the Derby line where the City has not yet received any application regarding the Hitchcock Farm. This individual wants to be informed of any activity or development of that property.

8f. Carl Yacobacci, Clark Development, LLC - 148-156 Main Street, Lot 185, Tax Map 88-5.

Mr. Columbo stated that he signed off on this on September 11, 2007.

A motion to adjourn was made by Mr. Marcucio, seconded by Mr. Birtwell and carried unanimously.

ATTEST:

Maryanne DeTullio

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