

**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**

February 13, 2008
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, February 13, 2008 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, David Rogers, Paul Dinice and Philip Marcucio. Michael Joyce from Milone & MacBroom was also present.

Additions, Deletions, Corrections to the Agenda:

A motion to add as Item 10b CACIWC Application 7/1/07-6/30/08 to the agenda was made by Mr. Marcucio, seconded by Mr. Padilla and carried unanimously.

Public Portion:

There was no one from the public wishing to speak.

Acceptance of Minutes

Mr. Marcucio moved that the minutes of the October 10, 2007 meeting be accepted. The motion was seconded by Mr. Padilla and carried unanimously.

7. Gilbert Debrum - Applicant. APPLICATION #08021301 - Seeking permission to conduct a "Regulated Activity" proposing to construct one single family house on Stelmack Drive, Lot #81, Tax Map #5-4.

Fred D'Amico and Gilbert Debrum were present. Chm. Columbo reviewed the application and stated that a soil scientist report was also submitted. Mr. D'Amico stated that there are the existing remains of a pond just north of the property. The wetlands have been flagged. The proposed activity is to construct a dwelling as far south as possible from the wetlands. The house will be approximately 70' away; well outside the regulated area. They are proposing to tie into the sanitary sewer system. There will be no net increase in tun off. Mr. D'Amico stated that the existing lot is considered a flag lot. Chm. Columbo stated that there is a lot across the road where water comes out from a brook and asked how that effects their property. Mr. D'Amico stated that he checked for any easements and also could not Wetlands Agency

find any pipe going through the property. The house will be slab on grade and will have a buffer from front lot. This is the most advantageous location for the galleys. He stated that they are limited with the house location because of the setback requirements for a flag lot.

Mr. Joyce stated that there is some question about Stelmack Road which is not a city accepted street. He stated that they might also want to investigate putting an easement on the property now regarding the pipe. Mr. D'Amico stated that they will do some tests to see if there is a pipe there. Chm. Columbo suggested that the members do a site walk. Mr. Dinice stated that the wetlands are higher than the house and road and if staff reviews it he did not see any problems. He suggested that the Agency consider changing the upland review area to 100' which adjacent towns have done. He stated that the State recommends this and also placing monumentation or markers in the wetland areas so that nothing is done in that area.

The application will be on the agenda for the March meeting.

8. Marcucio Gardens, Philip Marcucio Applicant, APPLICATION #08021302 - Seeking permission to conduct a "Regulated Activity" Proposing to re-establish existing detention basin volume, relocate and expand existing greenhouse and relocate existing storage bins on property at 480 New Haven Avenue, Route #34, Lot #37A, Tax Map #4-3.

Mr. Marcucio recused himself from hearing this application.

Chm. Columbo reviewed the application and stated that the State form, Purpose and Description of Ctivity, Engineer's Report, ConnSoil Report, List of Adjacent Property Owners and Property Survey dated 2/4/08 were submitted. Atty. James Cohen was present for the applicant and stated that the Marcucio family has been in the landscaping/agricultural business for many many years. Atty. Cohen stated that this land has an agricultural designation. He stated that they have filed an application with Planning & Zoning for a special exception use to ratify the operation of a nursery in the R-3 Zone, which is in the rear of this property. He stated that they are here to ratify prior work that has been done in the area of the detention basin which was performed pursuant to the agricultural use of the property and the new work which they are proposing to do.

This would be to re-establish the existing detention basin to restore its volume and capacity, to relocate and expand the existing greenhouse and to relocate the storage bins. Atty. Cohen stated that when the Cornfield subdivision was created they were required to construct this detention basin and in February 1998 the detention basin was sold to the Marcucio family. He stated that James Rotondo, the engineer will go through the three maps, which are what was the condition of the land at the time of the acquisition, what was done to the land since the time of the acquisition and what they are asking to be allowed to do now.

James Rotondo, Rotondo Engineering, LLC stated that the parcel is approximately 7.6 acres in size which includes about a one acre parcel which is located to the north, which is dedicated as open space and that is between the remaining parcel and the residential

portion of the Cornfield subdivision. The detention basin that was approved collects runoff from the upper portions of the subdivision and mitigates and reduces the flows within the basin and discharges out to Two Mile Brook. There are wetlands located throughout the site and the wetlands delineation was shown on the plans. The wetlands are approximately 3.9 acres in size.

He stated that since the Marcucios' have acquired the property they have introduced some activity into this area. The soil scientist looked at the site and looked at the wetlands to see if there were any changes over the years and because of frost on the ground she did not want to do a new delineation. She did feel that what was flagged there previously is generally what the wetlands are and prepared a report which has been submitted. He stated that some of the activities done were the greenhouse area associated with the nursery use, some storage bins located to the north of the greenhouse area, which have since been dismantled. They were used for the storage of mulch, topsoil and some other materials. They have also installed a gravel driveway just south of the detention basin which connects down into the driveway into the nursery. There are also several areas on the site where they have been storing nursery stock which are in the northeast corner of the parcel and in the southwest corner. He stated that they are requesting permission to conduct several regulated activities. He stated that an as-built of the detention basin was done and as it was built the required volume for the proper functioning was not there; it was undersized when it was constructed. They are proposing re-grading and excavation of that detention area basically to re-establish that volume as it was initially approved.

They would also like to re-locate the greenhouse so that it will conform to zoning setbacks and they would also like to extend that by approximately 32 feet. They would also like to re-install the storage bins, which would be large concrete block bins, approximately 6 feet high for the storage of mulch materials. Mr. Rotondo stated that the Marcucios' have taken on the responsibility of maintaining the detention basin and they cut the grass and remove sediment. A portion of the bins would be for the storage of those materials. Behind the storage bins they would also like to construct a landscape berm with white pines which will help to buffer this activity from the northern properties. He indicated three areas that they have depicted as temporary shrub storage areas, which would be the nursery stock, nursery recycling area, which would be a stockpile area for old plant materials and organic materials which would be mulched and used throughout the site. He stated that these activities on the site within the wetlands take up about .7 acre of wetlands area. He stated that within the 50' buffer area they are disturbing about .39 acres. They have also developed a sediment and erosion control plan so that any disturbance can be controlled.

Mr. Dinice asked if there would be any storage of fertilizers where the proposed bins are and Mr. Rotondo stated that there would be none.

Mr. Dinice also asked if the proposed drawing is how it was proposed originally. He stated that there is a comparison of what the approved plan is versus the as-built plan. The footprint is smaller, they will be excavating the bottom of the basin to widen it to establish a new slope and also take out some material on each end to achieve the volume that was originally approved. Mr. Dinice asked what materials will be on the bottom of the pond. Mr. Rotondo stated that now it is grassy area and they have removed a great deal of silt which has not re-established at this time but will over time. He presented aerial

photographs taken in 2003 which depicts the site as it is now. Chm. Columbo asked if the basin has always functioned properly and Mr. Rotondo stated that he believed that it has. Mr. Joyce stated that last year a report was presented to the Commission and some sediment removal was needed. He stated that it was also identified that some activity had occurred on the site and some changes to the outlet structure. Mr. Rotondo stated that they do not have an as-built of the basin as it was originally constructed. There is an area where Mr. Marcucio filled to built a ramp in order to get their machines down there for maintenance. He stated that this is an area that was modified since it was built. The westerly end may be a little short. Mr. Joyce stated that the intention is to restore the volume as originally shown on the plans and Mr. Rotondo stated that it was. He also stated that the members can see from the aerial photo where the stockpiles are and all the activities have been taking place. Those are the areas where they would like to maintain the future activities. They do not want to clear the buffer areas around the basin because it provides a nice buffer area to the adjacent parcels. He stated that other than the excavation of the pond there is no substantial excavation proposed. Chm. Columbo asked if the proposed storage bins and shed are permanent structures. Mr. Rotondo stated that they are not permanent and can be easily dismantled.

Atty. Cohen stated that when the zoning regulations were revised they outlawed agricultural use so that they are attempting to say that a nursery by special exception in a R-3 zone is allowed. He stated that a lot of work was done in the area which falls under agricultural exemption because it was designated for that purpose. This is an attempt to take all of the issues that concern this particular operation - here is what it was - here is what happened and here is where they want to go. They want to address all concerns regarding this property and there are no significant impact to the wetlands with the proposal. Chm. Columbo stated that in the past the Agency has dealt with agricultural issues and have learned that under those guidelines there are instances where property owners can do certain things and that will be taken into consideration. Mr. Dinice stated that he has no problem with the greenhouse or bins but was concerned with the enlargement of the pond if it is functioning properly. Atty. Cohen stated that he understands that there is an obligation under the original approval to maintain the basin and they have found that it was not done and are now prepared to do it. Chm. Columbo stated that when he asked if the basin was functioning properly he wanted to show that the Agency never received any complaints from anyone that it was not. Atty. Cohen stated that they are not aware of any problems. Mr. Joyce stated that it is important to conform to the original approval regarding the basin.

Mr. Rotondo stated that the high point is at the north end and it drains down toward Route 34. The basin catches a lot of the sheet flow and there are some small swale areas which do divert some of the runoff and it naturally flows down to Two Mile Brook. He stated that with this proposal they do not foresee any of the natural drainage patterns changing. The storage bins and berm will take some of that runoff and have it go around that area but it will essentially go in the same direction. The southern area is relatively flat and there is no activity planned there. He stated that he does not see any changes to the hydraulics of the

site. Mr. Joyce asked about excavation to the outer berm and Mr. Rotondo stated that the slow

is pretty steep on the down hill side of the berm. They will be taking it back to a 3 to 1 slope.

Chm. Columbo recommended that the members do on site inspection of the property. There was no public comment on this application. The application will be on the March agenda and the Agency will determine if a public hearing is necessary.

9. City of Derby, Mayor Anthony Staffieri, APPLICATION #08021303 - Seeking Permission to conduct a "Regulated Activity", proposing to construct a new Middle School on the Derby High School site, creating a campus. Included are the building, parking, walks, play areas, site utilities, storm drainage, lighting, lawns and plantings on property at Nutmeg Avenue, Lot #2, Tax Map #9-6.

Jeff Gebrian, CR3 was present and stated that the entire site is 48.5 acres which includes the current high school. He stated that Nutmeg Avenue will now end in a cul-de-sac and the new middle school will be located directly across from the high school. They will be taking out the existing paved area and adding green area. The drive in will be the same but there will be a new drop off area. They have also reconfigured some of the parking spaces. He stated that there is a piped watercourse which is part of the piped drainage system takes water down to Hawthorne Avenue. There are no wetlands in the area where they are doing the work which is approximately 9.5 acres.

Ed Pollock, CT Ecosystem stated that it is the westerly portion of the site that will be used and that is the area that he looked at to see if there were any wetlands. Based upon investigation there are no wetlands or watercourses in the proposed development area. The slopes on the site range from gentle to quite steep.

Kevin Clark, Clark Engineering stated that they designed the stormwater management system, sanitary sewer connection and to coordinate with the Water Company regarding the water service connection. There is a ridge down the middle of the site and water drains basically to the east down to Coon Hollow from the existing high school. He also stated that a portion of the site drains down Nutmeg Avenue to Chatfield. The remaining portion of the site drains to the play fields adjacent to Chatfield. He stated that on the other side of the road is Osborndale State Park and there is about a 56 acre water shed that drains to Pickets Pond and that pond has an outlet structure which drains into a channel and then is collected into a 24" pipe. He stated that is the piped watercourse that has been discussed. It is piped underneath the playing fields and runs down to Hawthorne Avenue. He stated that presently there is little or no drainage system on the site. He stated that as part of the design process they tried to reduce the amount of impervious area. There will be a slight increase in impervious area. They also looked at reducing the amount of stormwater. He stated that there is a significant amount of bedrock on the site.

Mr. Clark stated that there will be two underground stormwater detention systems. The
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stormwater will be collected in catchbasins with sumps, piped to hydrodynamic separators which

are sized to treat the water quality volume pursuant to DEP regulations. From those chambers they then go into two underground detention systems, one located south of the new building and the other north of the building. He stated that they are still working on the final sizing and configuration of those systems. He stated that the same basic drainage patterns and there are no changes to the stormwater draining to Coon Hollow Road. There will be a stormwater system to collect the water draining down Nutmeg Avenue and will extend the storm sewer system at Chatfield up to the site and make a connection. He stated that they will be disturbing approximately 9.5 acres on the site and will be registering the site prior to construction with the DEP and will meet their standards. The soil and erosion control plan will also be included but it is not finalized at this time. He stated that they are working on the final details now. Chm. Columbo stated that he did not feel that this is a significant activity. The final plans will be presented to the Agency in March.

10a. Engineering Fees - Milone & MacBroom, Inc. for the City of Derby Statement of January 31, 2008.

A motion to pay the bill from Milone & MacBroom in the amount of \$3,493.51 was made by Mr. Marcucio, seconded by Mr. Dinice and carried unanimously.

10b. CACIWC Application 7/1/07-6/30/07.

A motion to pay the CACIWC dues in the amount of \$60.00 was made by Mr. Marcucio, seconded by Mr. Padilla and carried unanimously.

A motion to adjourn was made by Mr. Padilla, seconded by Mr. Marcucio and carried unanimously. The meeting was adjourned at 8:45 p.m.

ATTEST:

Maryanne DeTullio

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