

**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**

August 13, 2008
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, August 13, 2008 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, Philip Marcucio, Paul Dinice, Jr., Paul Padilla, and Roger Birtwell. Michael Joyce from Milone & MacBroom was also present.

Additions, Deletions, Corrections to the Agenda:

A motion to add as Item 7(f) J. Falango, 247 Marshall Lane and Item 7(g) Housatonic Estuary report was made by Mr. Marcucio, seconded by Mr. Birtwell and carried unanimously.

Public Portion:

There was no one from the public wishing to speak at the meeting.

Approval of Minutes

This item was tabled to the September meeting.

8. William and Deborah Zaleha - Applicants. Application #08070903 - seeking permission to conduct a Regulated Activity: proposing additions to previously approved application on property at 16 Homestead Avenue.

Michael O'Bymachow and William Zaleha were present. Mr. Columbo stated that he received a letter from Mr. Zaleha's engineer indicating that they would like to modify the original wetland application and site plans 8/11/08. They would now like to erect a 48' landscaped wall along the southerly edge with steps from the house to the yard. There will be an air conditioning unit in the rear corner of the house. They previously had a split rail fence bordering the wetlands which has been relocated a little. There will be another retaining wall along the western side of the addition which will also be landscaped. They Inland Wetlands Agency

discussed the various grades on the property. The drainage on the site will go into yard drains and will be diverted away from the adjoining properties. Mr. Marcucio stated that he looked at the property and felt that a retaining wall would be a good idea. Mr. Joyce stated that he reviewed these revised plans and responded back to the engineer who responded back to the comments. He stated that his only concern is that the 104' contour be refined on the plans.

There was a discussion concerning the use of wetland markers on this property and Mr. Joyce stated that the marker could be placed on top of the split rail fence. Mr. Dinice stated that there are different ways to approach the use of markers and he will bring the information to the next meeting for the members to review.

Mr. Marcucio moved that on July 9, 2008 William Zaleha (applicant) submitted Application No. 08070903 for the modification of previously approved application for site and retaining wall modifications within the 50' upland review area and will require a summary ruling in accordance with Section 11.11.

Therefore, the Agency moves to approve Application No. 08070903 as presented and shown on the following documents:

1. "Site Plan - for Proposed Addition", prepared for William & Deborah Zaleha - 16 Homestead Avenue - Derby, CT", prepared by Nowakowski -O'Bymachow-Kane, Associates dated February 4, 2007 and revised through 8/11/08, drawn to a scale of 1"=10'.

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 Regulations) the following conditions also apply:

1. Prior to any additional work on the property, the encroachments onto the adjoining property (Ducharme) shall be removed and the area restored. The applicant shall also install the required sediment and erosion control measures immediately following encroachment restoration.

2. The original conditions of approval Granted by the Derby Inland Wetlands Agency shall still apply.

3. Lack of compliance with any condition 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.

4. Any further changes or modifications to the application presented shall be submitted to the City Engineer to determine if additional review and approval is necessary by the Agency.

5. Installation of non-encroachment marker, 4 x 4, 3' high above ground at site to be confirmed by city engineer in field. Placement subject to review and approval of city engineer and Agency.

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

7b. Fran Finnucan, 45 Belleview Drive, Drainage problem on property.

Mr. Columbo read a letter dated 7/16/08 from Ken Hughes regarding the drainage problems on Mr. Finnucan's property. Mr. Finnucan stated that he went to the Board of Aldermen with pictures of the catchbasins and leaves clogging them. He stated that they are not operating properly and have not been for a number of years. He felt that the City should do a dye test in this area which will help them determine where the problems are.

Mr. Marcucio moved that the city engineer is authorized to get mapping of the area and find out where the drains and chambers are located; that a dye test be done and he report his findings back to the Agency. The motion was seconded by Mr. Dinice and carried unanimously.

Mr. Columbo stated that once the areas are identified with new map and details we can determine who is responsible. He also stated that he will call the mayor and Ken Hughes and inform them of this motion.

7a. Engineering Fees: Milone & MacBroom, Inc. for the City of Derby: Statement of July 11, 2008.

A motion to pay bills from Milone & MacBroom, Inc. in the amount of \$307.78 was made by Mr. Marcucio, seconded by Mr. Padilla and carried unanimously.

7c Michael and Dana Talbot, 76A Academy Hill Road: clearing activity in rear yard.

7d Kelly Morgan, 76B Academy Hill Road: clearing activity in rear yard.

Mr. Columbo stated that he received an e-mail from Ken Hughes regarding this matter. The members felt that it would be appropriate to have Ron Culmo at a meeting to discuss this matter.

Mr. Joyce stated that he has a topographic map of Witek Park and he will bring it to the next meeting so that the members can see where the boundaries are and what work is appropriate. Mr. Columbo stated that these people want to clean up their properties and they should not go beyond their property line.

7e. Post/tags for non-encroachment lines.

Mr. Dinice stated that he will bring the information to the next meeting.

7f. Joe Falango, Builder, 257 Marshall Lane, Lot #3, - Signed off on Monday, July 14, 2008.

7g. Housatonic Estuary Report.

Mr. Marcucio stated that he is on the committee regarding the Housatonic estuary area and it is composed of members from five towns. They are concerned with what goes on in the Housatonic River and each town makes a contribution for this. He stated that there will be a Coast Guard cutter trip down the River in the fall.

Mr. Marcucio recused himself from the following discussion.

The members discussed the situation at the Lowe's construction site. It was noted that the brush along Two Mile Brook has not been cut back for several years especially in front of Lowe's along New Haven Avenue. Mr. Joyce stated that he and Mr. Kopjanski have been making inspections at the site and the work being done is different from the approved plans. He stated that he has asked for any changes from their engineer and nothing has been submitted. It was also noted that the brook is drying up and there are other changes with drainage. They had indicated that they would not do anything to stop the flow of the brook but it is drying up. Mr. Joyce stated that there are bonds in place and they have to comply with the approved plans. Mr. Columbo stated that he will speak with Mr. Kopjanski about this situation and that the approved plans must be followed.

A motion to adjourn was made by Mr. Padilla, seconded by Mr. Birtwell and carried unanimously. The meeting was adjourned at 8:40 p.m.

ATTEST:

Maryanne DeTullio

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