

**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**

January 13, 2010
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, January 13, 2010 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, Paul Dinice, Jr., David Barboza and Roger Birtwell. Also present was Ryan McEvoy, Milone & MacBroom.

Additions, Deletions, Corrections to the Agenda

Mr. Barboza moved to add under Item 8a Milone and MacBroom invoice dated 10/12/09 in the amount of \$277.50 and invoice dated 10/12/09 in the amount of \$685.00. The motion was seconded by Mr. Birtwell and carried unanimously.

Approval of Minutes

Mr. Barboza moved that the minutes of the 8/12/09 meeting be approved. The motion was seconded by M r. Birtwell and carried unanimously.

Mr. Birtwell moved the approve the minutes of the 8/26/09 special meeting. The motion was seconded by Mr. Columbo and carried unanimously with Mr. Dinice and Mr.Barboza abstaining.

Chairman Columbo noted that the September, October, November and December meeting were all cancelled.

6. Carl DeCarli – applicant for BAMF Homes Incorporated, APPLICATION #10011301 – seeking permission to conduct a regulated activity: proposing to construct two single family homes on John Street, Lot #17, Tax Map #3-2.

Atty. Dominick Thomas, 315 Main Street, Derby was present for the applicant. Chm. Columbo reviewed the application and it was noted that this piece of property does not have a street address and it is not #16 John Street, the reference is Lot #17, Tax Map #3-2. There was a discussion on when the timetable begins to run and when the application should be accepted. Chm. Columbo was not in favor of accepting the

application because it contained wrong information and felt that it should be re-submitted. Atty. Thomas stated that when the application was prepared for submittal, the applicant was the contract purchaser of the property. Since that time the closing has taken place and he is the record owner. Atty. Thomas amended the application by changing the owner's name and address and removing the #16 from the address. The application was accepted and Atty. Thomas stated that he will submit a new application with all the correct information.

Atty. Thomas presented aerial photos of the parcel and stated that it exceeds 45,000 square feet. They are proposing to build two homes and there will be disturbance in the upland review area but no disturbance to the wetlands and no adverse impacts to the wetlands. He stated that the wetlands boundary is approximately in the middle of the parcel.

He stated that the proposal complies with zoning. He stated that the property line is actually a substantial distance away from the edge of pavement. They have also filed an application with ZBA for a variance to build the two houses closer to the road which would bring them further from the wetlands. He stated that they are proposing a split rail fence to be installed and it will act as a boundary at the wetlands. They would also propose a conservation easement in that area.

Atty. Thomas stated that this is an oversized piece of property but they are only proposing two lots. There is no significant activity impacting the wetlands. They have addressed the impervious coverage. They are taking property and identifying better quality wetlands in creating a physical barrier and creating a conservation easement in that area. He did not feel that there was a need for a public hearing and stated that they would have no problem with the public speaking during their presentation.

Jim Rontondo, 25 Brook Street, Shelton stated that the property is located at the corner of Sodom Lane and John Street. It is undeveloped and slopes from John Street to the rear, He explained that in the southeast rear section of the wetlands there is no storm drainage. There is in the northerly portion which goes through the adjacent property. There is an existing 24" pipe which discharges onto the site.

They are proposing a division into two lots for single family homes. There will be driveways from John Street. He stated that the development does not require construction or disturbance in the wetlands area but work will take place within the upland review area.

Chm. Columbo asked the distance of the decks from the wetlands and Mr. Rotondo pointed those out on the maps.

Otto Theall, Soil Scientist stated that he delineated the wetlands. He western third is very dry and there is a difference in vegetation that is not typical wetlands plantings. He stated that he feels it is a low quality wetlands area. The lower portion of the wetland would be classified as wet meadow. He stated that the fence that is proposed would actually be a delineation between the upper and lower portions of the wetlands. He stated that if it is maintained as a lawn area it would not really be a change to what is there now. He stated that he did not feel that there were any direct impacts. The discharge from the roofs and driveways will be going back into the ground. He stated that in his opinion the value of the wetlands will improve. This would allow reasonable use of the property and improves the quality of the wetlands.

Atty. Thomas stated that the conservation easement could reflect what is prohibited on the property. He stated that there is no obligation to look at a reasonable and prudent alternative, but they have filed an application with ZBA to obtain a variance to move both houses closer to the road and further from the wetlands.

Chm. Columbo stated that he was concerned about runoff from the driveways going into the wetlands. Atty. Thomas stated that the way the system is designed now there is no adverse impact to the wetlands. Chm. Columbo asked if what is being presented is the most prudent plan. Atty. Thomas stated that there is no impact with what is being presented but because of the nature of the property they are trying to move the houses further from the wetlands.

Mr. Dinice asked if the area between the fence and wetlands line has a functioning value as a bio-filter and Mr. Theall stated that it has very little value. If the conservation easement is placed vegetation will grow thicker and will work as a better biofilter.

Chm. Columbo asked how this plan is changed from the previous plan for the same property that was denied. Atty. Thomas stated that this activity does not have any adverse impacts to the wetlands.

Mr. Dinice stated that he would feel better if a public hearing was held on this application. Chm. Columbo stated that the application needs to be accepted and the usual procedure is for the members to make an on-site inspection and then at the next meeting decide whether a public hearing is necessary. Mr. McEvoy stated that he did not see any reason why the application cannot be accepted this evening. Chm. Columbo stated that he was not comfortable with the way the application is prepared and the fact that everything refers to the address of the property at #16. He was also concerned that this is not the best proposal. Atty. Thomas stated that this is the best proposal and the application and all submittals will be corrected to reflect the correct address. Chm. Columbo urged the members to do an on-site inspection so that a determination can be made next month on whether to schedule a public hearing on the application.

7. Kimco Realty – Bond Release Request, Lowe’s Shopping center, culvert repair letter dated December 1.0, 2009, addressed to Ms. Ruth Sessler, Kimco Realty.

Chm. Columbo stated that a letter was sent to Kimco which authorized Milone & MacBroom to review the request and approve the reduction of the performance bond. Mr. McEvoy stated that they would recommend a reduction at this time. He also stated that they would like to review the site in the spring to make sure that everything is fine. Mr. Birtwell moved that the bond be reduced and 10% retained. The motion was seconded by Mr. Dinice and carried unanimously.

8a. Engineering fees: Milone and MacBroom, Inc. – Invoice dated 11/30/09, 12/10/09 and two dated 10/12/09.

Mr. Barboza moved that the invoices presented from Milone and MacBroom be paid. The motion was seconded by Mr. Dinice and carried unanimously.

8b. D.I.W.A. Meeting schedule for 2010.

Chm. Columbo stated that meetings are scheduled for the second Wednesday of each month at 7:00 p.. in the Aldermanic Chambers, City Hall. Mr. Barboza moved to adopt the meeting schedule for 2010. The motion was seconded by Mr. Birtwell and carried unanimously.

A motion to adjourn was made by Mr. Barboza, seconded by Mr. Birtwell and carried unanimously. The meeting was adjourned at 9:05 p.m.

ATTEST:

Maryanne DeTullio

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