

**DERBY INLAND WETLANDS AGENCY
DERBY, CONNECTICUT 06418**

**Paul Dince, Jr.
Paul Padilla
Rodger Birtwell
Ray Bowers
Jennifer Desroches
Nelson Cummings – Alt.
Philip Marcucio – Alt.**

March 8, 2017

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, March 8, 2017 at Aldermanic Chambers. City Hall, 1 Elizabeth Street, Derby. The meeting was called to order at 7:00 p.m. by Chairman, Paul Dinice.

By roll call members present were Paul Dinice, Paul Padilla, Rodger Birtwell, Ray Bowers and Jennifer Desroches. Also present were Atty. Marjorie Shansky, Carlo Sarmiento, WEO, Ryan McEvoy, Milone and MacBroom and Maryanne DeTullio, Clerk.

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.

Approval of minutes – February 8, 2017

Mr. Padilla moved to approve the minutes of the February 8, 2017 meeting. The motion was seconded by Mr. Birtwell and carried unanimously.

Application from Donna Cosentino (Orangewood East) for removal of trees behind Units 280 and 281, Shagbark Drive, Derby. (Continued from 02/08/17).

Mr. Sarmiento stated that he received some correspondence on the method of how they will be removing the trees. He stated that the work will not be happening for another month and he suggested tabling the item until next month. He stated that they will be using a cherry picker to reach into the wetlands. They will not be going into the wetlands.

Mr. McEvoy stated that he submitted his comment letter. He stated that the stumps should remain in place and also that no machinery is allowed within the wetlands. He also stated that it could be stipulated that the WEO be present when the work is done. Mr. Padilla moved to table this item to the next meeting. The motion was seconded by Mr. Birtwell and carried unanimously.

Greco & Haines – Tank Removal, Derby Milford Road.

Joshua Wilson, Fess & O'Neill was present for the applicant. He stated that he is a soil scientist and also the manager for the project. They have installed an above ground storage tank, which is double walled. It is located outside of the 50' review area. He stated that there will be regular auditing of the filling. Mr. Wilson stated that they received the comments from Milone and MacBroom. He stated that they are also working with the Fire Marshal to see if there are any other protections required. He stated that a formal application and abutters list was submitted. Mr. Dinice asked if the Town of Orange was notified and Mr. Wilson stated that they were. He stated that there was an underground storage tank that was removed in November 2016.

Mr. McEvoy stated that he reviewed the plans and they had a soil scientist identify the wetlands. He stated that they have alarms on the tank and it is outside of the 50 foot review area.

Mr. Padilla moved that the Derby Inland Wetlands Agency (DIWA) received Application No. 17020802 from Greco & Haines, Inc. (Applicant) which proposed no direct impacts to wetlands or watercourses and no activities within the 50' regulated upland review area and therefore is in accordance with Section 11.10 and will require a Declaratory Ruling.

Therefore, the Agency moves to approve Application NO. 17020802 as presented and shown on the following documents submitted in support of the application:

1. City of Derby Inland Wetlands Agency (DIWA) application.
2. Statewide Inland Wetlands & Watercourses Activity Reporting Form.
3. Wetland delineation Report, dated February 6, 2017, prepared by Fuss & O'Neil, Inc. with supporting documentation.
4. Review Letter from Milone and MacBroom, Inc. dated March 1, 2017.
5. Letter from Fuss and O'Neil dated March 3, 2017.
6. Testimony from the applicant, DIWA and City staff at the regularly scheduled meetings on February 8, 2017 and March 8, 2017.

1. Lack of compliance with any stipulation 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.
2. Any further changes or modifications to the application presented shall be submitted to the Derby Inland Wetlands Agency to determine if additional review and approval is necessary.
3. Per Section 18.5 of the Regulations, the DIWA approves the application as a Declaratory Ruling and the applicant shall pay a fee of \$25.00 to the City of Derby Finance Office.
4. The Agency's decision to grant this approval makes no warranties or representations, either express or implied, that future regulated activities will be permitted on this site.
5. Prior to operating the tank, the Applicant shall provide the Wetland Enforcement Officer and City Engineer a list of spill absorption Materials present on the site.

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

Request by City of Derby for the cleaning and maintenance of Gilbert Street drainage.

Anthony DeFala, Public Works Director was present and stated that this work will be in the upper brook section of Gilbert Street at the top of High Street at Academy Hill. He stated that they will just be cutting back the trees and vegetation. He stated that most of the work will be hand work and will probably take two days to complete. They will not be disturbing the slopes or derooting any trees. He also stated that they will not be removing any rocks; just cleaning and maintenance. He stated that the last time this was done was about eight years ago. It is more of a maintenance and clean-up issue. Mr. McEvoy stated that there is the question of whether this requires an application. Atty. Shansky stated that it would be appropriate to have an application filed. Mr. Bowers moved to approve the cleaning and maintenance work on Gilbert Street on the condition that an application is submitted. The motion was seconded by Mr. Padilla and carried unanimously.

Mr. Padilla moved that the Agency re-address the Application from Donna Cosentino for Orangewood East. The motion was seconded by Mr. Bowers and carried unanimously.

Mr. McEvoy stated that an e-mail was received from Donna Cosentino to Mr. Sarmiento about how the work will be done. Mr. Dinice stated that a statement should be submitted on what will be done and how it will be done. Atty. Shansky recommended that Mr. McEvoy's letter be forwarded to them. Mr. Padilla moved to table this item to the next meeting. The motion was seconded by Mr. Birtwell and carried unanimously.

Mr. Padilla moved that the following bills be paid – Invoice #4860 dated 3/8/17 from Atty. Marjorie Shansky in the amount of \$409.50; Invoice #79759 from Milone & MacBroom in the amount of \$425.00; Invoice #78636 from Milone & MacBroom in the amount of \$616.60 and Invoice #78637 from Milone & MacBroom in the amount of \$777.50. The motion was seconded by Mr. Birtwell and carried unanimously.

A motion to adjourn was made by Mr. Padilla, seconded by Mr. Bowers and carried unanimously. The meeting was adjourned at 7:30 p.m. by Chairman Paul Dinice.

Respectfully submitted,



Maryanne DeTullio, Clerk