

**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 12, 2009  
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, August 12, 2009 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, David Barboza, Phil Marcucio, Paul Dinice, Paul Padilla and Roger Birtwell. Also in attendance was Ryan McEvoy, Milone and MacBroom.

**Additions, Deletions, Corrections to the Agenda:**

Mr. Marcucio moved to add as Item 8c, renewal of membership in CACIWC. The motion was seconded by Mr. Birtwell and carried unanimously. Mr. Columbo stated that the agenda should be corrected to read approval of the minutes of the regular meeting on Wednesday, July 8, 2009.

**Approval of Minutes**

Mr. Birtwell moved to approve the minutes of the July 8, 2009 meeting. The motion was seconded by Mr. Marcucio and carried unanimously.

**Public Portion:**

There was no one from the public wishing to speak.

7. City of Derby Public Works, Ronald Culmo-applicant. APPLICATION #09081201-seeking permission to conduct a regulated activity: proposing a wetlands restoration project - Phragmite Control, in Witek Park, in the reservoir near the Witek Memorial on Lot #22, Tax Map #5-8.

Mr. Columbo stated that the Ron Culmo submitted a letter dated 8/6/09 stating the purpose of the application. Mr. McEvoy stated that Matthew Sanford a soil scientist at Milone and MacBroom was consulted on this matter. They are seeking to obtain approval to conduct

restoration activities along the banks of the lower reservoir on Sentinel Hill. He stated that there has been an excessive growth of phragmites especially in the southeast corner of the pond. This is an evasive species that multiplies quickly and spread around the whole like. Mr. Sanford recommended that they remove those entirely by excavating the soil in addition to cutting them down. They would lower the water approximately 3 feet to expose the root areas. He stated that they are mostly located in swallow water. Once the water is lowered it will left to dry out for approximately a week and then haybales will be placed along the edge of the phragmites that are going to be removed. They will also install a construction entrance pad along the existing parking area. The soil in the area will be removed about two feet deep in order to remove all the roots. It will be inspected to make sure it was done properly and then the haybales will be removed and the water allowed to rise. Mr. McEvoy stated that associated with the removal will be approximately 4500 sf of disturbance mostly within the boundaries of the lake itself. There will be some outside in order to access the phragmites. There will also be some upland impacts from truck traffic, which will be roughly 1,000 sf of disturbance.

Mr. Columbo stated that before it can be done the project will go out to bid and an outside firm will be doing the work. Mr. McEvoy stated that a certified soil scientist will inspect the work.

Mr. Marcucio stated that he would like to see the report of the soil scientist and asked about the extent of the root system. Mr. McEvoy stated that unfortunately the soil scientist could not be present this evening and he did not know the extent. He stated that the purpose for having the soil scientist there is to make sure that it is all done properly and removed. Mr. Columbo stated that last year he signed off on an emergency basis to have vegetation controlled. Mr. Padilla asked how the growth of these could be stopped. Mr. McEvoy stated that it will require ongoing maintenance. Mr. Dinice stated that this is the natural progression of a lake and there will be a continuing maintenance issue and the key is to make that as minimal as possible. Mr. McEvoy stated that there are pockets of phragmites in other areas of the lake. Mr. Padilla asked if those would be removed since the equipment will be there. Mr. McEvoy stated that he was not sure whether there was funding to do it at this time. Mr. Marcucio stated that the less disturbance the better. Mr. Dinice stated that this is the most critical area and hopefully once it is removed and with proper maintenance there won't be problems. Mr. Padilla asked what impact the lowering of the lake will have on the rest of the reservoir. Mr. McEvoy stated that the Public Works Department currently does lower the lake at times especially in anticipation of a large storm event. This work will only take a short period of time so there should not be any long term effects. Mr. Marcucio stated that he had no problem with this project but would want a report from the soil scientist and also information on the root system. He also asked where the soil be going that is being excavated. Mr. McEvoy stated that the soil cannot be reused and he did not know where it would be going.

Mr. Columbo stated that he felt that there was enough information to make a decision.

Mr. Marcucio moved that the City of Derby Inland Wetlands Agency (DIWA), having considered the factors pursuant to Section 10 of the Inland Wetland and Watercourse Regulations of the City of Derby and after review of written and verbal information provided by the applicant and Commission members, finds the following:

1. On August 4, 2009 the City of Derby Public Works Department submitted an application for activities in and within 50 feet of the wetlands and other upland areas adjacent to the wetlands. The activities are associated with the removal of invasive species along the edge of the Lower Witek Park Reservoir.

2. Based upon the most recent wetland delineation, there will be a total of 0.10 acres of wetland and watercourse disturbance, or as needed associated with the removal of invasive species and a total of 0.02 acres of disturbance within the 50' regulated upland review area for the purpose of accessing the Lower Reservoir.

3. That the regulated activities proposed by this application do not involve a significant impact or major effect on the inland wetland or watercourse as defined by the Regulations of the DIWA and will require a Summary ruling.

4. Information was provided by the applicant, city staff, and Commission members during the regularly scheduled meeting on August 12, 2009.

5. As required by Section 10.3 of the Inland Wetlands and Watercourses Regulations the Agency has considered the documentation submitted by the applicant and finds that the application represents an improvement to the current condition by removing invasive species that threaten to spread around the Reservoir and degrade the quality of the wetlands surrounding the Reservoir.

Therefore, the Agency moves to approve the application as presented and shown on the following documents submitted in support of the application:

1. Plans entitled "Proposed Phragmites Removal, Witek Park, Sentinel Hill Road Derby, CT", dated August 11, 2009, prepared by Milone and MacBroom, Inc.

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 following stipulations also apply:

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. All maintenance and refueling of equipment and vehicles shall be performed at least 50 feet or as far as practical from all wetlands and watercourses.

4. That a professional wetlands scientist shall inspect the removal operations to ensure that all invasive plant material is properly excavated.

5. The Wetland Enforcement Officer, City Engineer or any other duly authorized representative of the City of Derby, shall have the authority to direct the applicant, developer and or contractor to install additional sediment and erosion control measures as conditions may warrant.

6. A contact individual together with a 24-hour phone number shall be designated with responsibility and authority to receive notices of any breaches or deficiencies of sedimentation and erosion control on-site, and to coordinate repair on any such breach or deficiencies within 8 hours of the notice from the sediment and erosion control inspector, Wetland Enforcement Officer, City Engineer or any other duly authorized representative of the City of Derby.

7. The Agency's decision to grant this approval makes no warranties or representations, either expressed or implied, that future regulated activities will be permitted on this site.

8. A complete soil scientist report documenting the phragmite rhizome will be submitted.

9. Applicant shall state final destination of all excavated material.

The motion was seconded by Mr. Birtwell and carried unanimously. Mr. Columbo noted that the fee for this application will be waived.

8a. Engineering Fees: Milone & MacBroom, Inc. for the City of Derby dated June 13, 2009

Mr. Columbo stated that the invoice is for the July and will have to be acted upon next month.

8b. Post/tags for non-encroachment lines.

Mr. Columbo stated that this was discussed last month and Mr. Joyce will be supplying more information on this next month.

8c. Renew membership in CACIWC

Mr. Marcucio moved that the membership in CACIWC (\$75.00) be renewed. The motion was 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 7:45 p.m.

ATTEST:

  
Maryanne DeTullio

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