DERBY INLAND WETLANDS AGENCY
DERBY, CONNECTICUT 06418

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

August 29, 2018

Minutes of Derby Inland Wetlands Agency special meeting of Wednesday, August 29, 2018 at Aldermanic Chambers. City Hall, 1 Elizabeth Street, Derby. The meeting was called to order at 7:10 p.m. by Chairman, Paul Dinice.

By roll call members present were Paul Dinice, Paul Padilla and Rodger Birtwell. Also present were Atty. V.Marino, Ryan McEvoyy, Milone & MacBroom, Carlo Sarmiento and Maryanne DeTullio, Clerk

Public Portion.

2018 SEP 4 AM 11:36

There was no one from the public wishing to speak.

Discussion and possible action – Enforcement Issue regarding dam at 10 Rockwell Place.

C. Sarmiento stated that he received complaints from the Condominium Association that a koi pond was built at 10 Rockell Place. He stated that he went to the property and could not find the pond but found a brook and dam. He called DEP who came down and they recommended that the concrete be removed and all fish be removed. He stated that an order was issued and the homeowner responded quickly. The fish have been removed. He also noted that it is up to the Commission on how the brook should be cleared.

David Rice, 10 Rockwell Place stated that he cleaned up a lot on the property. He stated that the pond and concrete were there when he purchased the property. He also stated that he put mulch and some ornamental items around the pond to make it look nice. He stated that his children enjoy the pond and fish. He also stated that he will do whatever is necessary to make it right.

C. Sarmiento stated that DEP found that with heavy rains the pond overflows and that fish are going into the river. There is significant erosion on the banks and the brook is being derailed.

Ryan McEvoy stated that based on the map on file there is some erosion and some water washed away. He stated that the concern is that it will continue to divert water toward the condominiums. The removal of the dam would help.

Atty. Marino stated that the Board should render a decision on what is presented at this meeting.

Ryan McEvoy stated that he went to the site to look at this activity and make sure that the pond is on Mr. Rice's property. P. Padilla asked if there was any evidence that it was pre-existing. He also stated that if the order is upheld that the property owner needs to submit an application and propose remediation. He also stated that if there is no corrective action then a fine can be levied.

Atty. Marino stated that if the action is upheld then the Board should determine what the Agency would want next. Since Mr. Rice stated that the pond was there when he purchased the property he can be given time for a plan of remediation.

Robert Turner stated there has been a lot of talk about erosion and asked what the alternative would be so the erosion does not continue.

Ryan McEvoy stated that a soil scientist or engineer should prepare the application and what needs to be done for remediation. C.Sarmiento stated that DEP is allowing the City to make the determination. Atty. Marino stated that no activity can be done in a regulated area without permission.

P. Dinice stated that the Board needs to determine if we are going to uphold the action if there should be a fine. He stated that the property owner can be given time to investigate and come up with a remediation plan. Atty. Marino stated that an application would have to be reviewed. C. Sarmiento stated that there is erosion on the condominium property from this pond. Atty. Marino suggested having the property owner submit an application and meet with C. Sarmiento regarding remediation.

R. Birtwell moved to continue this matter to the November 14, 2018 meeting and the property owner submit an application or or before November 1, 2018. The motion was seconded by P. Padilla and carried unanimously.

A motion to adjourn was made by Mr. Padilla, seconded by Mr. Birtwell and carried unanimously. The meeting was adjourned at 7:45 p.m. by Chairman Paul Dinice.

Respectfully submitted,

Maryanne DeTullio

Maryanne DeTullio, Clerk

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