

**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**

July 8, 2009  
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency regular meeting of Wednesday, July 8, 2009 at New City Hall, 1 Elizabeth Street, Derby. This meeting was called to order at 7:10 p.m. by Chairman Fred Columbo.

By roll call members present were Chairman Fred Columbo, Paul Dinice, David Barboza Phil Marcucio, Paul Padilla and Roger Birtwell. Michael Joyce Milone & MacBroom was also present.

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

Mr. Barboza moved to add as Item 9f, Item #7 on the agenda for discussion and possible action. The motion was seconded by Mr. Marcucio and carried unanimously.

**Approval of Minutes**

Mr. Marcucio moved to approve the minutes of the June 10, 2009 meeting. The motion was seconded by Mr. Birtwell and carried unanimously with Mr. Marcucio abstaining.

**Public Portion**

Atty. Michael Bologna representing Detention Basin LLC asked if he would be allowed to speak when Item 9d is heard. Mr. Columbo stated that he could speak at that time.

Dan Waleski, 21 Elm Street stated that he was concerned about the condition of some of the brooks in the city. He suggested that the Agency take this under consideration and review the situation and look into the basic problems that exist.

8. Michael Tracz - applicant. APPLICATION #09040803 - seeking permission to conduct a regulated activity: proposing to stockpile fill material on site for future use - possible construction of a building on property at 151 Water Street. Lot #170, Tax Map #8-5.

Mr. Columbo stated that Mr. Tracz presented an environmental study last month. Mr. Joyce stated that he has reviewed the report. He also stated that his review is complete and there is no impact to any wetlands and it would be a declaratory ruling.

Mr. Marcucio moved that the City of Derby Inland Wetlands Agency (DIWA) based upon the information provided by the applicant finds the following:

1. Based upon the information provided regulated areas do exist on site. However, the applicant proposes activities which do not occur within a regulated area as defined by the Derby Inland Wetland Regulations and therefore, the activity will require a Declaratory Ruling.

Therefore, the Agency moves to approve Application No. 09040803 as presented and shown on the following documents submitted in support of the application:

1. Presentation Map - Prepared for Michael Tracz, Water Street, CT, prepared by Nowakowski-O'Bymachow-Kane Associates, dated April 8, 2009 and drawn to a scale of 1"=60'.
2. Phase I Environmental Site Assessment - Former Carlon Products Facility - 151 Water Street, Derby, CT, prepared by LFR, Inc. dated May, 2008.
3. Phase II Environmental Site Investigation - Former Carlon Products Facility - 151 Water Street, Derby, CT, prepared by LFR, Inc. dated July 2008.

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. This approval is based solely on the activities proposed by the applicant as shown on the above referenced drawing. Other concurrent activities on site (i.e. environmental investigations and remediation) are independent and may require individual permit approval.
2. Prior to the placement of material the sediment and erosion control measures shall be established in accordance with the details on the plan. As additional fill is delivered to site, sediment and erosion control measures shall be adjusted to prevent the erosion of any stockpiled material.
3. Any disturbed areas shall be re-vegetated using native and non-invasive plantings as soon as possible.
4. Any significant 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.
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. 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.

The motion was seconded by Mr. Birtwell and carried unanimously. Mr. Columbo stated that the fee would be \$25.00 and no bonding required.

9c. Joe Jalowiec, 114 Sodom Lane. Unsigned letter dated June 9, 2009 (2 pages)

9d. Joe Jalowiec, 90 Sodom Lane, Unsigned letter dated June 24, 2009 (1 page)

Mr. Columbo read into the record letters dated June 9, 2009 and June 24, 2009 from Joe Jalowiec (copies attached). He stated that Mr. Joyce did some research on this matter. Mr. Joyce stated that documentation on what the detention basin on Lanzieri Court is suppose to look like has not been found. He stated that in 1994 the last modifications were made to the basin. Prior to the original Yudkin subdivision there was a pipe that discharged into the area close to where the detention basin is. In 1994 the basin was constructed and in place during the first phase of the construction of the subdivisions above the area. In 1994 an analysis was done. He stated that it now appears that the outlet structure is large. Mr. Marcucio stated that it appears that the basin is being maintained. Mr. Joyce stated that the question is what the volume should be and if the outlet structure is functioning the way it is suppose to. Mr. Columbo stated that the letters from Mr. Jalowiec question a lack of enforcement and that problems on his property are being caused by this basin. Mr. Joyce stated that what needs to be done is to identify if it is in the condition that it is suppose to be. Mr. Joyce stated that he will send a letter to Mr. Jalowiec requesting that he come to the next meeting and explain what is going on at his property.

Atty. Bologna stated that there are no documents or records regarding this basin. He stated that when his client acquired the basin they were given a list of property owners who were to pay a fee for the maintenance of the basin. Mr. Columbo stated that Mr. Joyce will look into this situation further.

7. Continue a public hearing for: City of Derby, Mayor Anthony Staffieri - applicant. APPLICATION #09051301 - seeking permission to conduct a regulated activity: proposing municipal drainage improvements to repair and replace inadequate drainage system in the Gilbert Street neighborhood.

A motion to reopen the public hearing was made by Mr. Birtwell, seconded by Mr. Marcucio and carried unanimously.

Mr. Joyce stated that a presentation of the project was made last month. Revised calculations and revised map dated 7/6/09 were submitted this evening along with the last consent letter. He stated that last month there were discussions about the design of the

improvements and as a result of those discussions they have increased the pipe sizes to 42" all the way down and then 48" at Bank Street. The system is designed to handle a 50 year storm event and they feel this is the best approach to dealing with the problems in this area. He stated that since this is a significant activity they looked into a prudent alternative but one does not exist.

Donald Gonyea, 74 Downs Rd. Monroe stated that he was representing Theresa Tereskiewicz asked if they would stabilize any erosion on the property lines. Mr. Joyce stated that if an issue identifies itself during construction it can be discussed with the Agency. He stated that the City does not have easements all the way up the road.

Alex Castellini stated that he is looking forward to getting this project done.

Dan Waleski, 21 Elm Street stated that this area has experienced growth and change and there has not been adequate mapping on this long standing problem. He also stated that all the materials and maps should be made available to the public and he asked that the hearing be kept open. Mr. Columbo stated that a complete presentation was made last month and all documentation has been available in City Hall.

A motion to close the public hearing was made by Mr. Marcucio, seconded by Mr. Birtwell and carried unanimously.

9a. Engineering fees: Milone and MacBroom, Inc. for the City of Derby, invoice dated June 10, 2009.

Mr. Marcucio moved that Page 1 of the invoice be paid. The motion was seconded by Mr. Padilla and carried unanimously. Mr. Padilla moved that Page 2 of the invoice be paid. The motion was seconded by Mr. Dinice and carried unanimously with Mr. Marcucio abstaining.

9b. Post/Tags for non-encroachment line.

Mr. Dinice stated that Seymour uses a sticker which is mounted on a post and the entire cost is approximately \$26.00. He had a sample of the sticker for the members to look at. He felt that this provides more language than a disk but will bring in a disk next month for the Agency to review.

9c. John Clark, J&S Associates, 249 New Haven Avenue. Copy of letter from Building Department dated April 21, 2009.

Mr. Columbo read a letter dated 4/21/09 from David Kopjanski regarding this situation (copy attached). He also had pictures dated June 8, 2009 from an on-site inspection of the property. Mr. Columbo stated that a lot of work has been done on the site and he has contacted Mr. Clark to come to a meeting but he has not responded. He stated that he will contact Mr. Kopjanski regarding the issuance of a cease and desist order.

9f. Discussion and possible action: City of Derby, Mayor Anthony Staffieri - applicant. APPLICATION #09051301 - seeking permission to conduct a regulated activity: proposing municipal drainage improvements to repair and replace inadequate drainage system in the Gilbert Street neighborhood.

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, Commission members and City staff, finds the following:

1. On May 13, 2009, the City of Derby (Applicant) submitted an application No. 09051301 for activities in and within 50 feet of the wetlands, watercourses and other upland areas adjacent to the wetlands. The activities are associated with the replacement of the existing drainage system.
2. There will be a total of 668 linear feet of direct wetland impacts and 360 sf of disturbance within the 50' regulated upland review area.
3. That this application is a "significant activity" in accordance with the definition of "significant activity" as found in the Regulations of the DIWA and will require a plenary ruling.
4. Best Management practices have been employed in the design to provide measures to prevent debris from obstructing the flow of the brook.
5. Information was provided by the Applicant, City staff, Commission members and the general public during the public hearings held on June 10, 2009 and July 8, 2009.
6. As required by Section 10.3 of the Inland Wetlands and Watercourses Regulations the Agency has deemed that no prudent and feasible alternative was available and the proposed activities are intended to prevent continued erosion and flooding due to the inadequate and condition and capacity of the existing drainage system.

Therefore, the Agency moves to approve Application No. 09051301, as presented and shown on the following documents submitted in support of the application:

1. Drawings prepared by Milone and MacBroom dated July 6, 2009 and revised July 6, 2009.
2. Inland Wetlands Delineation and Existing Conditions Analysis dated 2/18/09.
3. Engineering Report prepared by Milone and MacBroom dated May 6, 2009.
4. Supplemental Calculations Report dated 7/7/09.

In addition to the requirements listed in Section 11.9 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. Prior to any construction activities covered by this permit, the applicant shall have the following items both completed by a qualified party and verified as complete by the City Engineer, Corporation Counsel and/or Wetland Enforcement Officer.
  - a. Execute all required drainage easements and agreements for activities on privately owned properties and arrange for the proper filing on the Derby Land Records.
  - b. Arrange for the filing of this approval on the Derby Land Records.
  - c. Prior to any construction activities, the proper installation of all sediment and erosion control measures indicated on the above referenced plans.
4. Work within or adjacent to the watercourse shall be conducted during periods of low flow whenever possible. The contractor shall remain aware of flow conditions prior to any drainage improvements and shall not initiate work when flow conditions threaten to cause erosion. Work will not be allowed to commence before predicted major storms as predicted by the NOAA weather service with warnings of flooding, severe thunderstorms, or similarly severe conditions or effects.
5. The contractor shall provide measures to safely convey or control the flow of the watercourse to allow for the proper installation of the drainage improvements.
6. The contractor shall submit a construction safety plan for work immediately adjacent to private properties.
7. Emergency access to all properties shall be provided at all times.
8. All disturbed areas on the site not directly required for construction activities shall be temporarily hayed and seeded until permanent vegetation is established.
9. After commencement of construction, an inspection of the condition, integrity and adequacy of the sedimentation and erosion controls shall be made by a qualified party on a regular basis, at least once every seven calendar days and within 24 hours of the end of a storm event that is 0.1 inches or greater and until the City of Derby determines that inspections are no longer required.

10. 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.

11. 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 controls 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.

12. 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.

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

A motion to adjourn was made by Mr. Padilla, seconded by Mr. Barboza and carried unanimously. The meeting was adjourned at 9:15 p.m.

ATTEST:

Maryanne DeTullio

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