

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

**Frederick J. Columbo, Jr. Chairman**

**68 Seymour Avenue**

**Derby, Connecticut 06418**

June 10, 2009  
(Meeting Taped)

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, June 10, 2009 at Aldermanic Chambers, New City Hall, 1 Elizabeth Street, Derby. This meeting was called to order at 7:20 p.m. by Chairman Fred Columbo.

By roll call members present were Chairman Fred Columbo, Paul Padilla, Phil Marcucio and Roger Birtwell. Michael Joyce and Ryan McEvoy from Milone & MacBroom were also present.

Additions, Deletions, Corrections to the Agenda:

Mr. Macucio moved to add Item 9c John Clark, New Haven Avenue/Derby Milford Road; Item 9d Joseph Jalowiec, Sodom Lane and Item 9e Rock Crushing Project behind BJ's. The motion was seconded by Mr. Birtwell and carried unanimously.

Acceptance of Minutes

A motion to approve the minutes of the May 13, 2009 meeting was made by Mr. Birtwell, seconded by Mr. Columbo and carried unanimously with Mr. Marcucio and Mr. Padilla abstaining.

Public Portion:

There was no one from the public wishing to speak.

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

Ryan McEvoy, Milone and MacBroom presented signed consent letters and evidence of certified mailings. He stated that one consent letter still has not been received. A motion to open the public hearing was made by Mr. Marcucio, seconded by Mr. Padilla and carried unanimously.

**Philip  
Marcucio**

**Paul Dinice, Jr.**

**Paul Padilla  
David Barboza II  
Roger Birtwell**

Mr. McEvoy stated that this application is proposing to conduct a regulated activity associated with drainage improvements in the Gilbert and Crescent Street area. The issue arises from a drainage system that runs between Gilbert and Crescent Street that runs through private properties. It picks up a stream course that picks up discharge from Witek Park. The system is undersized and currently receives debris and trash and things of that nature and overtops and causes severe issues on some of the properties in the vicinity. The contributing area is roughly 450 acres and includes both reservoirs at Witek Park. They both have outlets structures that eventually discharge just by Academy Hill and running southwest through the stream until it gets to the area around Gilbert and Crescent. It is then taken underground through a headwall opening and through the storm drainage network. The pipe consists of a 18" X 36" old stone culvert that travels through private properties and ties into drainage on Gilbert Street and eventually into much larger structures on New Haven Avenue and then toward the Naugatuck River. Mr. McEvoy stated that they investigated several options to solve the problem associated with this culvert.

The approach they took was to upgrade the pipe which is small and undersized and by increasing the size will facilitate additional flow going through. He stated that looking at the whole picture is the modification of the spillways for the reservoirs particularly the lower reservoir. He stated that they could change the shape and elevation of the spillway and that has not been included as part of this application. It will require a number of state and federal permits to get approval. Therefore, they have focused primarily on the upgrading of the pipe size which they feel that can be done without the involvement of the state and federal government. Mr. Joyce stated that they are still pursuing those options but are concentrating on the upgrading of the pipe system.

Mr. McEvoy stated that existing headwall is proposed to be modified in size and height to allow more water to enter into the pipe. They are proposing a 36" pipe through the surrounding properties to Gilbert Street to a 42" pipe. The upgrading in pipe size and improvements to the headwall will allow the system to handle a 50 year storm. They will be including a small trash rack a little further to the northeast than the existing inlet. This will be a concrete footing that is attached to the underlying bedrock of the stream with stainless steel rebar and a grid to prevent any large objects coming down the stream and clogging the inlet of the system.

Mr. Birtwell asked why the pipe was not made larger. Mr. Joyce explained that the area that they will be working in is small and there are other utilities in the road that they have to deal. They feel that the 36" pipe will be adequate to handle a 50 year storm and help alleviate the problems in this area.

Mr. Joyce also stated that the project has several phases and the biggest problems are in the central Gilbert Street area. Mr. McEvoy spoke on the maintenance of the system and stream. He stated that the City is looking to acquire easements to maintain the storm drainage line. This will allow the City to go in and remove debris and maintain the system.

Mr. McEvoy stated that there are regulated activities associated with this plan. There are three aspects to the regulated activities. The first is where the trash rack will be located. It will be placed directly in the watercourse and will have an impact of only about 100 square feet total. It has a four foot wide footing and is about 15 feet wide and that stretches beyond the limits of the wetlands and goes to the edge of the slope in order to protect the entire channel and prevent debris from coming down the channel.

The second regulated activity is the construction of the headwall. That area is outside the mapped wetlands; however it is within 50 feet of the stream course and is within the review of this Commission. The removal of the existing headwall and construction of the proposed one will impact roughly 360 square feet.

This is an active watercourse as conveyed through an underground drainage system so it is not a watercourse in the traditional sense that it has wetlands associated with it. Since they will be removing approximately 570 linear feet of pipe that is also something that this Commission has regulatory authority to review.

Mr. Marcucio asked how access is done for maintenance. Mr. McEvoy stated that the City would be looking to be granted access from Gilbert Street where the proposed pipe is coming in. Further up Gilbert Street there are private and public roadways that could be accessed. There is no storm drainage proposed there but would be a second access to get to the headwall area. He stated that further up the stream it would be very difficult to get a machine in to pick things out but the City would have access rights to go in and remove things by hand. Mr. Marcucio stated that it is difficult to access that area and he was concerned that because of the difficulty the maintenance would not be done. Mr. Columbo stated that it will have to be done and the plans show that there will be access. Mr. Joyce stated that there are a few different ways to come in there. They are proposing a trash rack at the bridge area and this is reachable by equipment. The inlet is being moved down to a flatter area. Mr. Marcucio stated that the people in this area have been dealing with this for a long time and we need to make sure that it is done correctly. He also felt that they should look at putting in a larger pipe.

Mark Beyer, Crescent Street stated that there are a lot of issues in this area. He stated that he would like to see a little bit more on the headwall and more access for maintenance. He asked if the properties would be surveyed to see where the property lines area. He stated that this is a major issue in this area. Mr. Columbo asked if he had a survey done of his property. Mr. Beyer stated that he did not and wanted to know if this is something that they will have to do to find out how close the pipe is to their property.

Steve Iacuone, 40 Gilbert Street asked where the easements are going to being and end.

Mr. Joyce stated that they did research on the Monaco subdivision and the City does not have ownership of the driveway that goes from High Street to Crescent Street. He stated that in doing the research they identified more documentation on the property lines which are shown on the maps. The map will show where the easements will be.

Mr. Beyer asked if the future use of their property will be restricted. He asked if there will be something written noting any restrictions because of the easements. He also stated that he will have to hire an attorney to review the easement for him. Mr. Joyce stated that the City will propose the easements and deeds. The City is proposing this as a drainage improvement project which will benefit the property owners in this area in solving the drainage problems. Mr. Beyer stated that it is a very tight area and there is a lot of work proposed.

Alex Castellini, 2 High Street asked about any damage to his properties during the constructions. Mr. Joyce stated that if any structures are being proposed to be modified or effected by this project, part of the easement negotiations will be compensation for any loss of property.

Felicia Monaco, 17 Monaco Circle asked are the location of the easements and if they are on Gilbert, Crescent and Monaco. Mr. McEvoy stated that the easement that the City will be looking for are on Gilbert and Crescent Streets.

Mr. Beyer asked if the City will be going out to bid on this project and Mr. Joyce stated that they will. Mr. Beyer asked if the City will put the properties back in the same condition as they are now. Mr. Joyce stated that they will make the best effort to put them back as they are today.

Mr. Columbo asked if there can be wording in the easements that the property owners should not discard into the brook. Mr. Joyce stated that the easements are for formal pipe installation and maintenance.

Mr. Columbo stated that the public hearing will be continued to the next meeting and the engineers will look at the possibility of putting in a larger pipe.

Regina Cairone, 16 Gilbert Street stated that the people in the area are anxious to get this going.

Theresa DiCamillo, 29 Gilbert Street stated that these problems have been going on for a long time and something needs to be done.

A motion to continue the public hearing to the July 8<sup>th</sup> meeting was made by Mr. Marcucio, seconded by Mr. Birtwell and carried unanimously.

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. Tracz presented copies of the environmental report showing activity done by the Francini family. He also presented a map showing the wetlands and the stockpile and fill location. The piles of fill there now are part of the remediation work being done.

Mr. Columbo stated that the Agency needs time to review the report and the item will be on the agenda for the July 8<sup>th</sup> meeting.

9a. Engineering Fees: Milone & MacBroom, Inc. for the City of Derby, Statement of May 12, 2009.

Mr. Marcucio moved that the bills from Milone & MacBroom be paid. The motion was seconded by Mr. Birtwell and carried unanimously.

9b. Post/tags for non-encroachment lines.

Mr. Columbo stated that Mr. Dinice is not in attendance to discuss this matter and it will be on the agenda for the July meeting.

9c. John Clark, New Haven Avenue/Derby Milford Road

Mr. Columbo stated that there is some activity going on at this property. He stated that he spoke with Mr. Clark and also Mr. Kopjanski and has received no response from Mr. Clark. He was asked to come to the meeting with an application and explain what he is doing and if it requires approval by this Agency. Mr. Columbo will speak with Mr. Kopjanski on this matter.

9d. Joseph Jalowiec - Sodom Lane

Mr. Columbo stated that he received a call from Mr. Jalowiec that he has had a lot of water on his property coming from two detention basins. He felt that the outlet structure was tampered with at the Norwood Basin. Mr. Joyce stated that he also received a call and went out to the site. There had been some dialogue previously about the outlet structure and he will attempt to find the documents regarding that and see what has happened.

9e. Rock Crushing Project behind BJ's.

Mr. Columbo stated that he received a copy of the review letter from Milone and MacBroom that was prepared for Planning & Zoning. There may be a pocket of wetlands on this property although the applicant has documentation that there are no wetlands on the site.

A motion to adjourn was made by Mr. Marcucio, seconded by Mr. Padilla and carried unanimously. The meeting was adjourned at 9:25 p.m.

ATTEST:

Maryanne DeTullio

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