

# ***Planning and Zoning Commission City of Derby***

Theodore J. Estwan, Jr., Chairman

Steven A. Jalowiec

David J. Rogers

Richard A. Stankye

Albert Misiewicz

Glenn H. Stevens

Raul Sanchez

Cynthia Knopick (Alternate)

Maryanne DeTullio, Clerk

The regular meeting of the Planning and Zoning Commission of the City of Derby was held on Tuesday, January 16, 2018 at 7:00 p.m. in the Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 7:00 p.m. by Chairman Ted Estwan. Present were Ted Estwan, David Rogers, Richard Stankye, Steven Jalowiec, Raul Sanchez, Albert Misiewicz, Glenn Stevens and Cynthia Knopick. Also present were Atty. Marjorie Shansky, Ryan McEvoy, Milone and MacBroom and Maryanne DeTullio, Clerk.

## Additions, Deletions, Corrections to Agenda

There were no additions, deletions or corrections to the agenda.

## Correspondence

There was no correspondence.

## Public Portion

There was no one from the public wishing to speak.

## Approval of Minutes – 11/21/17 and 12/19/17 Regular Meeting

Mr. Estwan noted that on page 2 it should have read presented photos of the site and that there would be 7-15 passenger vans. A motion to approve the minutes was made by Mr. Estwan, seconded by Mr. Jalowiec and carried unanimously.

Mr. Estwan noted that on Page 1 of the 12/19/17 minutes it was not a public hearing, just a site plan approval. He also stated that the capacity at Derby High School is 491 students and faculty. On Page 5 the Executive Session was to discuss pending litigation; Dziekan v Derby Planning & Zoning Commission, Docket No. AAN-CV-17-6024837-S). A motion to approve the minutes was made by Mr. Estwan, seconded by Mr. Stevens and carried unanimously.

## Receipt of Applications

There were no new applications to accept.

New Business

- (a) Discussion and possible action – City of Derby WPCA for 130 Roosevelt Drive for replacement of pump station.

Robert Tedeschi, Weston and Sampson was present and stated that in 2014 the City of Derby had a referendum to make wastewater system improvements. He stated that two pump stations have already been completed. He stated that in 2014 the WPCA entered into an order with EPA to replace the pump station on Roosevelt Drive. He stated that the bids will be going out in the spring and construction completed by December, 2019. He stated that they looked at various sites; but the existing pump station is located at Roosevelt Drive and Cemetery Avenue and this one needs to be lost to that one. There will be a coffer dam on top and in front of that a permanent retaining wall. There will be three basic structures. There will be dry pads where the pumps are located and a control building and parking lot. The existing pump station will be abandoned and the equipment that is there will be removed. He stated that all work will be upland of the coastal jurisdiction line and the 100 year floodway will not be encroached. There will be a 38" culvert across Route 34 which will be connected. There will be a new water quality structure to treat runoff. There will also be a silt fence around the entire project and finished elevations will be at 28 feet, which is above the flood area. He stated that they received Inland Wetlands approval and also noted that letters were sent to abutting property owners.

Mr. Estwan moved that pursuant to Article XV of the Derby Zoning Regulations, and Chapter 92, flood Prevention Ordinance of the City of Derby, the Derby Planning & Zoning Commission finds the following:

1. The application and supporting documentation as presented is in accordance with Sections 195-30 through 195-33.
2. The plans as proposed will result in all improvements located outside of the FEMA Floodplain and Floodway Boundaries as depicted on Flood Insurance Rate Map 09009C0403H, dated 12/17/2010.
3. The proposed structures and generator pad are elevated above the 100-year flood elevation as shown in the New Haven County Flood Insurance Study.
4. The area of the application is located adjacent to a portion of the Housatonic River that is tidally influenced.
5. The subsurface components of the pump station will meet the requirements of Section 92-6.C of the Derby Flood Prevention Ordinance.

Therefore, following review of the plans and supporting documentation submitted in support of this application, the Derby Planning & Zoning Commission hereby approves the Application for Site Plan Approval for the City of Derby on Connecticut Department of Transportation Property along Roosevelt Drive immediately opposite from Cemetery Avenue:

The approval shall be based upon the following documents submitted in support of this application:

1. Derby Planning Zoning Commission application for Special Exception and/or Site Plan Approval.

2. Plans entitled "City of Derby, Connecticut, Water Pollution Control Authority, Roosevelt Drive, Wastewater Pumping Station Upgrade", dated 10/20/17, prepared by: Weston and Sampson, with the following sheets:
  1. "Sheet G-1, Abbreviations and Notes", not to scale.
  2. "Sheet C-1, Existing Conditions Site Plans", at a scale of 1"=10'.
  3. "Sheet C-2, Demolition Plan", at a scale of 1"=10', revised to January 8, 2018.
  4. "Sheet C-3, Proposed Site Plan", at a scale of 1"=10', revised to January 18, 2018.
  5. "Sheet C-4, Grading and Layout Plan", at a scale of 1"=10', revised to January 8, 2018.
  6. "Sheet C-5, Existing Pumping Station Demolition Plans", at a scale of 1/2"=1'0".
  7. "Sheet C-6, Existing Pumping Station Demolition Section", at a scale of 1/2"=1'0".
  8. "Sheets C-7 – C-9, Civil Details", not to scale.
  9. "Sheet C-10, Soil Erosion and Sediment Control Notes and Details", not to scale.
  10. "Sheet C-11, Construction zone Safety Plan", drawn at varying scales.
  11. "Sheet A-1, Building Elevations and Door Schedule", at a scale of 1/4"=1'0".
  12. "Sheet S-1, General Structural Notes", not to scale.
  13. "Sheet S-2, Foundation and Framing Plan", at a scale of 3/4"=1'0".
  14. "Sheet S-3, Sections and Details", at a scale of 3/4"=1'0".
  15. "Sheets S-4, S-5, Soldier and Lagging Retaining Wall Details", drawn at varying Scales.
3. Derby Inland Wetlands Agency Approval.
4. Notice to Shelton.
5. Notice to adjacent Property Owners.
6. Email Correspondence from Tammy Drugan of the Connecticut Department of Transportation, including confirmation that the City can pursue upgrades to the Wastewater pumping station on land owned by the State of Connecticut.
7. Letter from Milone and MacBroom, Inc. dated 1/12/2018.
8. Testimony from the Applicant, City Staff, and the Commission at the regularly scheduled meeting on January 16, 2018.

With the following stipulated conditions:

1. Compliance with the conditions of approval from the Derby Inland Wetlands Agency dated January 10, 2018.
2. The contractor is to provide a flood contingency plan that is to be reviewed and accepted by City staff prior to commencement of construction activities. If the weather forecasts indicate the possibility of a major weather system within 24 to 48 hours, the contractor shall plan for the possibility of high water levels in the river.

3. The Zoning 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, including temporary erosion control blankets on exposed steep slopes.
4. The applicant shall furnish the City with an Improvement Location Survey of the property depicting the completed site including all site features along with the proposed changes. In addition to the improvement Location survey the applicant shall submit an elevation certificate confirming the elevations associated with the new construction. The elevation certificate shall match the vertical datum of the current FEMA flood mapping when construction is completed.
5. Any modifications to the above referenced drawings shall be submitted to the Planning & Zoning Commission for review and action if necessary.

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

#### Payment of Bills

Mr. Estwan moved to approve payment of bills. The motion was seconded by Mr. Jalowiec and carried unanimously.

A motion to go into Executive Session to discuss pending litigation (Dziekani v Derby Planning & Zoning Commission, Docket No. AAN\_CV-17-6024837-S) and have Atty. Shansky attend was made by Mr. Estwan, seconded by Mr. Jalowiec and carried unanimously. The Commission went into Executive Session at 7: 50 p.m.

A motion to come out of Executive Session and resume the regular meeting at 8:07 p.m. was made by Mr. Stevens, seconded by Mr. Rogers and carried unanimously.

A motion to adjourn was made by Mr. Stevens, seconded by Mr. Rogers and carried unanimously. The meeting was adjourned at 8:08 p.m.

Respectfully submitted,

  
Maryanne DeTullio, Clerk

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