

VERBATIM PROCEEDINGS

ANSONIA PLANNING & ZONING COMMISSION

PUBLIC HEARING

CASTLE LANE ESTATES SUBDIVISION

SEPTEMBER 26, 2011

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ANSONIA TOWN HALL  
253 MAIN STREET  
ANSONIA, CONNECTICUT

1 . . .Continued verbatim proceedings of the  
2 Ansonia Planning and Zoning Commission, in re: Castle Lane  
3 Estates Subdivision, held at the Ansonia Town Hall, 253  
4 Main Street, Ansonia, Connecticut, on September 26, 2011 at  
5 7:00 p.m. . . . .

6  
7  
8  
9

10 (Whereupon, the Pledge of Allegiance was  
11 recited.)

12 CHAIRMAN BARTHOLOMEW FLAHERTY: Would the  
13 Secretary please call the roll?

14 (Whereupon, roll call was taken.)

15 CHAIRMAN FLAHERTY: The public hearing  
16 continued from September 19, 2011 to September 26, 2011,  
17 Castle Lane Estate Subdivision, 23-lot subdivision, 26

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1 Gardner's Lane, North Prospect Street and Castle Lane,  
2 Ansonia, Connecticut.

3 The Planning and Zoning Commission of the  
4 City of Ansonia, Connecticut, has continued the public  
5 hearing on Castle Lane Estates Subdivision, held Monday,  
6 September 19, 2011, to Monday, September 26, 2011, at 7:00  
7 p.m. in City Hall, 253 Main Street, Ansonia.

8 The proposed 23-lot subdivision is located  
9 on and borders Gardner's Lane, Castle Lane, North Prospect  
10 Street, North Prospect Street Extension, Granite Terrace,  
11 all in Ansonia, and Old Ansonia Road, Seymour.

12 At said hearing, all interested parties  
13 will be given an opportunity to be heard. A copy of the  
14 application and map are on file in the office of the Town  
15 and City Clerk, 253 Main Street, Ansonia, Connecticut.

16 Dated at Ansonia, Connecticut, this 20th  
17 day of September 2011, and it was published two times, a  
18 legal notice, Thursday, 9/22, and Saturday, 9/24.

19 A motion to accept the call of the meeting?

20 A MALE VOICE: I make a motion.

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1 A MALE VOICE: I'll second.

2 CHAIRMAN FLAHERTY: All in favor?

3 VOICES: Aye.

4 CHAIRMAN FLAHERTY: Anyone vote no? Anyone  
5 abstain? The Chair declares the motion passed.

6 Okay. Ladies and gentlemen, we are  
7 continuing the public hearing from last Monday evening. If  
8 anyone wants to read the minutes, the verbatim minutes, of  
9 the last meeting, they're online under the City of Ansonia  
10 website under Planning and Zoning, and you'll find the  
11 public hearing minutes.

12 There's also a copy published down in the  
13 Town and City Clerk, if you'd like to go down there to read  
14 a copy of the minutes, or you can purchase one from the  
15 Town and City Clerk, but it's 107 pages. That's why I had  
16 to put it on the web page instead of running a lot of  
17 copies off.

18 Now we heard from many, many people,  
19 adjoining neighbors, who voiced their concern. I am hoping  
20 to ask anyone from the public, who wishes to speak. First,

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1 I'll ask -- excuse me. I'll ask Mr. Hoyle, who represents  
2 the applicant, then I have a list of those from the public,  
3 who wish to speak.

4 Many I see out there attended the last  
5 meeting. If you have any new information, that would be  
6 very, very helpful. Attorney Hoyle, do you have anything?

7 MR. CLIFFORD HOYLE: Yes, Mr. Chairman. I  
8 submitted a request this afternoon on behalf of my client  
9 to request that the public hearing be continued, in order  
10 that my client and his professionals would be able to have  
11 more time to be able to address the many issues that were  
12 raised at the public hearing and in the communications.

13 My client told me that our professional  
14 engineer has said that it just wasn't enough time, one  
15 week. I suppose we probably should have thought about that  
16 last Monday to do that, but we requested that at least we  
17 be continued to your next meeting, or, as I think about it,  
18 it might be better to maybe set aside a specific date,  
19 because I think it may interfere with your meeting, because  
20 I think that there's a lot of information that needs to be

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1 addressed and a lot of I believe evidence and testimony  
2 that needs to be elicited. That's our request.

3 CHAIRMAN FLAHERTY: Okay, so, you're asking  
4 for an extension to at least our next meeting?

5 MR. HOYLE: Right, or sooner, or later.

6 CHAIRMAN FLAHERTY: The timeline?

7 MR. TOM WELCH: You've got 35 days with the  
8 right to extend it for an additional 35-day period from the  
9 date that the hearing commences.

10 CHAIRMAN FLAHERTY: So if we extend it to  
11 our October meeting and then at our October meeting set a  
12 date for another full night, we'd have the time to do it?

13 MR. WELCH: Yeah. Just thinking  
14 practically.

15 MR. HOYLE: Should be 70 days from the  
16 19th, I think, Mr. Flaherty.

17 CHAIRMAN FLAHERTY: Yeah, I don't have the  
18 calendar in front of me. Seventy days from the 19th.

19 MR. JARED HEON: Five weeks would be our  
20 meeting.

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1 CHAIRMAN FLAHERTY: It's October 24th.

2 MR. HEON: Yeah, that's five weeks from the  
3 19th.

4 CHAIRMAN FLAHERTY: So that's 35 days.

5 MR. HEON: And then our next meeting is  
6 another five weeks from that, the 28th. Do you think we  
7 need another full night after that?

8 CHAIRMAN FLAHERTY: I think that he -- do  
9 you feel that you need a full night, a regular full night  
10 to present?

11 MR. HOYLE: I think it could be some time.  
12 We have expert. I don't know if it's a full night, Mr.  
13 Chairman, but I think that, with the regular meeting, it  
14 might make it unbearably long.

15 MR. HEON: October 17th? Could he have it  
16 done by then?

17 CHAIRMAN FLAHERTY: I'm not available. I  
18 don't have to be here.

19 MR. HOYLE: I would prefer if we go after  
20 the 24th, because, that way, we'll be sure we have

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1 everybody available.

2 CHAIRMAN FLAHERTY: Well what I'm thinking  
3 of is, at the next regularly scheduled meeting, set the  
4 date for a full hearing.

5 MR. HEON: It just has to be done before,  
6 basically, Thanksgiving.

7 CHAIRMAN FLAHERTY: What I'm thinking of is  
8 between now and our next regularly scheduled meeting I am  
9 going straight out. I don't have a night. I don't have to  
10 be here, of course. The Vice-Chair could do it.

11 Between now and our next meeting, I don't  
12 have time for a public hearing, another full night of a  
13 public hearing.

14 MR. HOYLE: Mr. Chairman, if I may, I think  
15 that it's going to take substantial time for some  
16 professionals to look at this, so I concur that it's  
17 probably better to go after the 24th, but before the next  
18 month.

19 CHAIRMAN FLAHERTY: Yes. That's what I'm  
20 thinking. The 24th, set a date for a separate night like

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1 we had. Is that within the time frame, counselor?

2 MR. WELCH: Thirty-five days after we  
3 commenced. We commenced last week, and they have the right  
4 to extend it for one period, so a total of 70 days, without  
5 looking at the calendar.

6 CHAIRMAN FLAHERTY: Okay.

7 MR. WELCH: That gets you close to the end  
8 of November.

9 CHAIRMAN FLAHERTY: Okay. We have to close  
10 the public hearing within 70 days. We have to make a  
11 decision within 65 days after that, I think. Counselor  
12 will come up with it.

13 All right, well, before the meeting is  
14 concluded, we will extend the public hearing until the next  
15 meeting, I think, if they make a motion to do that.

16 MR. HEON: Our 28th, if I counted right,  
17 our November 28th meeting is 70 days.

18 CHAIRMAN FLAHERTY: Yeah. It has to be  
19 before that.

20 MR. HOYLE: So it's continued to the 24th

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1 and reschedule on the 24th?

2 CHAIRMAN FLAHERTY: Sometime in early  
3 November. That gives you enough time to get your expert?

4 MR. HOYLE: Yes, it does, Mr. Chairman.

5 CHAIRMAN FLAHERTY: Okay.

6 MR. HEON: It would be nice if they could  
7 give the people something on the 24th, and then, when we do  
8 have the full hearing, they at least know what they're  
9 going to see, so they can digest it in.

10 CHAIRMAN FLAHERTY: Well before we have a  
11 public hearing, it has to be on file.

12 MR. HEON: Right.

13 CHAIRMAN FLAHERTY: So by the 24th, we  
14 should know. Some stuff should be on file.

15 MR. HOYLE: I certainly hope so.

16 CHAIRMAN FLAHERTY: Well, okay.

17 MR. HOYLE: I would think so.

18 CHAIRMAN FLAHERTY: Anything else,  
19 counselor?

20 MR. HOYLE: No, Mr. Chairman.

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1 CHAIRMAN FLAHERTY: Okay, well, I will  
2 entertain a motion. Before we conclude this public  
3 hearing, I'll entertain a motion, Mr. Hoyle, but I have  
4 people here, who wish to speak.

5 MR. HOYLE: Well, if they wish to speak,  
6 then --

7 CHAIRMAN FLAHERTY: Yeah. I have a list.  
8 I've got to open up the public session.

9 MR. HOYLE: Okay.

10 CHAIRMAN FLAHERTY: If you have nothing  
11 further.

12 MR. HOYLE: No.

13 CHAIRMAN FLAHERTY: Commissioners, do you  
14 have anything to ask of Attorney Hoyle? Okay. All right,  
15 I'm going to open it up to the public. We have a regularly  
16 scheduled meeting at 7:30. If we're late for that meeting,  
17 it's not the end of the world.

18 I would like to call on members of the  
19 public, who wish to speak. After, if you didn't sign this  
20 sheet and you wish to speak, you know, I'll allow you to

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1 speak, but if you could be brief, and I'm particularly  
2 interested in anything new that isn't on the record.

3 The first one on the list I have is John  
4 DeStefano.

5 MR. JOHN DeSTEFANO: Yes, sir. I've lived  
6 on Old Ansonia Road for 40 years, I walked Old Ansonia Road  
7 for the past 15 years, and I go down Castle Lane for 15  
8 years, up and down.

9 A lot of people didn't realize if he builds  
10 23 homes, there's going to be 46 cars going up and down  
11 Castle Lane and Old Ansonia Road. And if they have a child  
12 or two driving, then you're talking 69, 72 cars, and that's  
13 a small road. It's only, what, 17, 18 feet wide.

14 When a car is coming towards me and a car  
15 is coming from behind, the guy in front of me has to stop  
16 to let that car go by, so I can walk around that car.

17 And I can't see why they have to come up  
18 Castle Lane. Why can't they go down the other way? And if  
19 this has anything to do with Seymour, I'm going to protest  
20 it if I have to pay any money out of my pocket towards

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1 taxes for this guy.

2 So think about it, gentlemen. Sixty-nine,  
3 70 cars up and down Castle Lane, up and down Old Ansonia  
4 Road, and there's a lot of young people that walk our road,  
5 all new people in all those new homes on Old Ansonia Road.

6 They push their carriages and strollers,  
7 everything up and down that road, and I feel that's going  
8 to be a burden towards everybody, and Ansonia is going to  
9 be a burden on schools, Police Department, Fire Department,  
10 and a big eyesore, big water tank.

11 So, sir, that's all I have to say. Thank  
12 you.

13 CHAIRMAN FLAHERTY: Thank you, Mr.  
14 DeStefano. Nelson Tchakirides.

15 MR. NELSON TCHAKIRIDES: Thank you, sir.  
16 Good evening, Mr. Chairman. I spoke last time, but, since  
17 then, I've come up with some other information. I'd like  
18 to submit this document, which consists of a photograph of  
19 the area, and the second page is a topographical map, which  
20 I'm sure you've got a bunch of those already.

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1 I live at 138 Old Ansonia --

2 CHAIRMAN FLAHERTY: You can give it to me.

3 MR. TCHAKIRIDES: Oh, okay.

4 CHAIRMAN FLAHERTY: And I'll give it to the  
5 Secretary to put on file.

6 MR. TCHAKIRIDES: All right.

7 CHAIRMAN FLAHERTY: Thank you.

8 MR. TCHAKIRIDES: You're welcome. I've  
9 lived at 138 Old Ansonia Road for 38 years. When we moved  
10 there, this was before the Silver Mine Industrial Park was  
11 opened up. Since that was opened up, now Old Ansonia Road  
12 has become a thoroughfare for people coming from Ansonia to  
13 get to that industrial park.

14 The traffic on the road has significantly  
15 increased since then, and it wasn't just until two years  
16 ago that in that picture you can see Mr. Koskelowki from  
17 Seymour got us a stop sign, because every other month I was  
18 getting a car through my front yard.

19 You can see my property is right on the  
20 corner of Old Ansonia Road and Castle Lane. And you'll

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1 notice in that picture I put some measurements in there.  
2 Today, I went out the side of my property where there's a  
3 slope. The narrowest point where the big oak tree is to  
4 the curb that exists now opposite that is 17 and a half  
5 feet.

6 That's the current narrowest part of Castle  
7 Lane right now, so I'm imagining they're going to have to  
8 make it a two-lane road. I think, with the American  
9 Disabilities Act, they require any new construction you  
10 have to put a sidewalk at least on one side, so that means  
11 you're talking maybe 35, 40 feet.

12 If you notice in that photograph, my  
13 property slopes down onto Castle Lane. They're going to  
14 have to probably cut my property, either eminent domain or  
15 what, to build a retaining wall to widen that road.

16 And the property opposite mine on Castle  
17 Lane, which is the northern side, their property slopes  
18 down. They're going to have to extend that road into their  
19 front yard and build a retaining wall on their property,  
20 also.

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1 Plus, the utility poles are on the right  
2 side of Castle Lane. You're going to have to move all the  
3 utility poles, too, which is probably a considerable  
4 extent.

5 It was six years ago my wife and I put a  
6 big investment in our property. We completely remodeled  
7 the interior of the house, and we completely landscaped the  
8 property. If you walk the area, you'll notice my house is  
9 probably one of the most desirable ones on that whole  
10 street.

11 Now we've done a lot to beautify the area,  
12 and then there's been some new construction up the street,  
13 some very popular looking houses. One is a log cabin type,  
14 and they've done a lot to help the area and make it more  
15 attractive to live in.

16 You'll also notice that the two houses that  
17 were on Castle Lane remain unsold for a couple of years,  
18 and on Old Ansonia Road, just north of Castle Lane, there's  
19 a property downhill, which has been vacant now over a year,  
20 and that's kind of representative of what the property is

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1 going to look like on Castle Lane.

2 A lot of it on one side of the street is  
3 going to be downhill. And if you notice, from the  
4 topographical map, you've got a grade at least 60 percent  
5 going down to Colony Park. I mean 60 feet going down to  
6 Colony Park. I don't know what the percentage of grade is,  
7 but that looks pretty severe.

8 Now I don't know if Seymour has been  
9 contacted about this whole project, because without an  
10 access into Ansonia, Seymour is going to bear the brunt of  
11 all this construction, and they're going to have to pay for  
12 that road and the taking of my property and all that.

13 Now if this project is okayed, you give  
14 okay and Seymour backs you up, I'm going to either have to  
15 sell my property quickly, because I feel I'm going to lose  
16 a good 40 to 50 percent of the value, or I'm going to have  
17 to sue, and I don't want to do that. I don't want to get a  
18 lawyer. I don't want to get involved with any of this  
19 stuff, but those are the alternatives I'm faced with.

20 So I'm hoping you'll look at the total

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1 environmental impact, what it's going to cost in grade and  
2 drainage down the hill, what it's going to cost impacting  
3 Seymour with traffic and fire and police and all that, and  
4 take that into consideration, because I don't think  
5 Ansonia, as well as Seymour, is in any financial situation  
6 to take on something that's going to be a real burden.

7 I'm just hoping you'll look at all the  
8 facts and say this is not the proper job to do this site,  
9 nor is it the proper time. I could see the possibility, if  
10 you did an access through Ansonia and maybe the top part of  
11 Castle Lane was one way, either direction, with two-lane  
12 traffic going the opposite direction into Ansonia, but the  
13 way it's presently proposed I think it's a dreadful idea.  
14 Thank you.

15 CHAIRMAN FLAHERTY: Thank you, Mr.  
16 Tchakirides. Ed Musante?

17 MR. EDWARD MUSANTE: Edward Musante, 138  
18 Old Ansonia Road, Seymour. The back of my house is on  
19 Castle Lane. In 2006, Koslowski, he did a survey of Old  
20 Ansonia Road, stating that Old Ansonia Road cannot handle

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1 the traffic, because they were going to do a project over  
2 there on Potter's there, and he stated that, and I have it  
3 in black and white, and I went and got that, then I went  
4 and I did some more of them.

5 There's City water one house that goes into  
6 Potter Road, and there's City water that comes up to  
7 Prospect Street, right up to Prospect Street, but like  
8 Nelson said, that road is very bad, very bad.

9 Traffic-wise, you know, if they do that,  
10 we're going to get lawyers, because the Town of Seymour  
11 already did this right here. They turned down something  
12 2006 for a project, and if they do that for this.

13 CHAIRMAN FLAHERTY: I think you gave it to  
14 us. Is this Bob Koskelowki's thing? I have it on record  
15 already.

16 MR. MUSANTE: All right.

17 CHAIRMAN FLAHERTY: Yeah. This is on  
18 record already, Mr. Musante.

19 MS. JO-LYNN FLAHERTY: Is it the public  
20 hearing minutes, August 10, 2006?

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1 CHAIRMAN FLAHERTY: It's this.

2 MS. FLAHERTY: That is on file.

3 CHAIRMAN FLAHERTY: Okay, thank you, Mr.  
4 Musante.

5 MR. MUSANTE: You're welcome. Dee Stowe?

6 MS. DEE STOWE: Hi.

7 CHAIRMAN FLAHERTY: Hi. How are you?

8 MS. STOWE: Good evening. I'm good. I'm  
9 good. I'll be really quick. I just wanted to confirm that  
10 you received our letter.

11 CHAIRMAN FLAHERTY: Yes. That will be put  
12 into the public record this evening.

13 MS. STOWE: Okay, and that the URL you can  
14 get the full report. If you click on that, it will give  
15 you the full report.

16 Then I wanted to request -- I know that  
17 you've posted these meeting minutes online, but is it  
18 possible to get all of them online eventually? I know that  
19 that's a --

20 CHAIRMAN FLAHERTY: The public hearing

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1 minutes are online. The verbatim minutes, the 107 pages?

2 MS. STOWE: Well, no. I'm talking about  
3 every meeting, because the last ones that are published  
4 from the meetings was in January.

5 CHAIRMAN FLAHERTY: I'll talk to the girl  
6 who handles the site.

7 MS. STOWE: Okay. That would be great.

8 CHAIRMAN FLAHERTY: I don't handle that  
9 site. We take the minutes and put them on file at the Town  
10 and City Clerk's. They get stamped in.

11 MS. STOWE: Right.

12 CHAIRMAN FLAHERTY: With a date stamp, and  
13 then they get put on file. I'll mention it.

14 MS. STOWE: Okay, so, if there's another  
15 type, I should ask?

16 CHAIRMAN FLAHERTY: Yeah.

17 MS. STOWE: If you could let me know?

18 CHAIRMAN FLAHERTY: Sure.

19 MS. STOWE: If I talk to the Mayor or  
20 whatever. And then, finally, there was some confusion last

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1 week about the ownership of a piece of the road. There is  
2 a Paypa(phonetic) Road, which is an arc, and then there's a  
3 right of way, which is in front of Mr. Witzman's(phonetic)  
4 property, so there's two right of ways. This is a copy of  
5 the deed and the maps that are on file that show that my  
6 husband and I own.

7 CHAIRMAN FLAHERTY: Okay. I'll put this on  
8 file. This is a legal matter, though. I mean they have to  
9 have clarification.

10 MS. STOWE: Okay. I just want to state for  
11 the record that my husband and I own that.

12 CHAIRMAN FLAHERTY: Okay. Thank you very  
13 much. Charles Stowe?

14 MR. CHARLES STOWE: Hi, Mr. Flaherty.

15 CHAIRMAN FLAHERTY: How are you?

16 MR. STOWE: I'm sorry you don't have much  
17 time, because of your schedule, because this is really a  
18 critical. I'm sure, at all your years of doing this, this  
19 is one of the worst ones you're dealing with.

20 CHAIRMAN FLAHERTY: I don't understand what

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1 you just said.

2 MR. STOWE: I'm concerned that you're not  
3 going to be here enough for what's liable to be going on  
4 here while this is going to be open to the public.

5 CHAIRMAN FLAHERTY: Mr. Stowe, I think that  
6 I spent hours and hours and hours researching this, reading  
7 every word that you've said. I have your thing right here.  
8 I'm totally on top of it. I just don't have time for a  
9 public hearing between now and October 24th myself. They  
10 can have one.

11 I can assure you that I'll probably spend  
12 more time than you will on this.

13 MR. STOWE: I believe that, sir. It would  
14 be nice to have you here for a comfort level for me.

15 CHAIRMAN FLAHERTY: I'm only one guy. I'm  
16 one guy on seven.

17 MR. STOWE: I understand.

18 CHAIRMAN FLAHERTY: You know?

19 MR. STOWE: So did the developer get to see  
20 this, or does he know anything?

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1 CHAIRMAN FLAHERTY: Get to see what, Mr.  
2 Stowe?

3 MR. STOWE: The information that I sent to  
4 the Board, to the Alderman and to the Mayor.

5 CHAIRMAN FLAHERTY: Your letter of  
6 September 22nd?

7 MR. STOWE: Yes, sir.

8 CHAIRMAN FLAHERTY: I don't know. I will  
9 put it on the public record this evening. It will be on  
10 the Town and City Clerk's office tomorrow morning.

11 MS. FLAHERTY: It is on the Town and City.

12 CHAIRMAN FLAHERTY: Yeah. It's on file. I  
13 don't know. I can't answer if he saw it or not.

14 MR. STOWE: Okay, well --

15 CHAIRMAN FLAHERTY: It's stamped in, and I  
16 will mention it tonight at the public hearing to make sure  
17 it's in the public hearing minutes.

18 MR. STOWE: Well you're saying you don't  
19 want to spend too much time, and this is liable to be time  
20 consuming.

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1 CHAIRMAN FLAHERTY: Spend too much time on  
2 what?

3 MR. STOWE: The public should hear this. I  
4 contacted the State Department of Energy Environmental  
5 Protection, Bill Orzica (phonetic), and he said that what we  
6 should do request a review of the King's Mark Conservation  
7 and have them do another survey of this property.

8 And I also was told that the people here,  
9 the public, should have a hydrogeologist to test the water  
10 here. It's already got a bad report from this 1988 report.  
11 You've already read this.

12 I called the State Public Health  
13 Department, and they had informed me that Mr. Malone was  
14 supposed to give some testimony on this matter, and I  
15 thought he was going to be here tonight.

16 They say that the Fire Commission has the  
17 authority in this town to force them to use City water if  
18 this Board cannot do it.

19 CHAIRMAN FLAHERTY: Who said that?

20 MR. STOWE: Cliff McCullen. I'm going to

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1 give you a copy of this, sir.

2 CHAIRMAN FLAHERTY: No, I have it right  
3 here.

4 MR. STOWE: I don't know if this copy is a  
5 different copy.

6 CHAIRMAN FLAHERTY: Okay, wait a minute.  
7 This is new.

8 MR. STOWE: Yes, sir. That's new.

9 CHAIRMAN FLAHERTY: This is new.

10 MR. STOWE: That's new.

11 CHAIRMAN FLAHERTY: I would like that on  
12 the public record.

13 MR. STOWE: My wife managed to find the  
14 1988 environmental report from the previous subdivision.  
15 For whatever reason, it's missing page seven, and I  
16 highlighted all the topics that are really critical to this  
17 meeting.

18 I also marked with the green markers there  
19 and wrote in what -- on this report, they called for a 30-  
20 inch pipe down on Gardner's Lane, and they also mentioned

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1 that a sediment basin wouldn't be enough to hold the --

2 Now I'm not an engineer, so I don't know.

3 I'm just retelling you what I read. They said that a

4 sediment basin would not be able to stand the runoff from

5 the slopes on that piece of land.

6 When I was here last time, I mentioned on

7 the plans that that swale that's up towards Rockwood Avenue

8 Extension where the storm drainage goes down to Gardner's

9 Lane that it doesn't tell the percentage of grade there. I

10 asked that, and I never heard anybody mention that, and I

11 don't know why.

12 In this King's Mark, there's a page here,

13 where it -- one of the Board members was asking what the

14 slopes are. This fellow. What's your name, sir?

15 MR. OSWALD INGLESE: Ozzie Inglese.

16 MR. STOWE: Ozzie Inglese. And on their

17 mark here, it shows the slopes.

18 MR. INGLESE: No, but I was looking for the

19 individual slopes within each one of the proposed building

20 lots. It's different. I read that report.

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1 MR. STOWE: You've had this already?

2 You've already seen it?

3 MR. INGLESE: I've seen it.

4 MR. STOWE: Well I don't understand why it  
5 wasn't mentioned to the public, if this has been looked at  
6 before. I mean I just don't, you know, I don't know  
7 everything. I just don't understand.

8 The slopes that are here and all the  
9 recommendations that they give, I haven't heard anything to  
10 address any of them, and I'm not going to take my expertise  
11 and try to help him put this subdivision in, because I  
12 don't think it should be put in, you know?

13 CHAIRMAN FLAHERTY: Well what you have to  
14 understand is that you're listening, as we are.

15 MR. STOWE: I know.

16 CHAIRMAN FLAHERTY: This is a public  
17 hearing, and we're getting information. There's been  
18 written submittals. Our planner asked for, very  
19 specifically, for a lot of information, our City Engineer  
20 has asked, and I'm sure you read those that are on file,

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1 so, you know, we're fact gathering as you speak.

2 MR. STOWE: So I asked a question. Are we  
3 going to be -- are we going to have this reviewed again?

4 CHAIRMAN FLAHERTY: What?

5 MR. STOWE: This piece of property. Is it  
6 going to be reviewed again? Now --

7 CHAIRMAN FLAHERTY: Well I was --

8 MR. STOWE: I'm sorry.

9 CHAIRMAN FLAHERTY: You asked a question.  
10 Can I answer it?

11 MR. STOWE: Yes, sir.

12 CHAIRMAN FLAHERTY: From what I understand,  
13 and I will get clarification of this, that King's Mark was  
14 asked for a review, and they cited their review of 1988 or  
15 whatever and said they're not going to re-review it, that  
16 they have already done a review on it.

17 We asked for a soil, Southwest Soil  
18 Conservation review, which is on file. It's probably 35  
19 pages or so, and I don't know if you read that, but that's  
20 on file down in the Town and City Clerk's office. That's

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1 part of the information that we're getting.

2 That probably substantiates a lot of things  
3 of what you're saying and substantiates a lot of things  
4 that are in this King's Mark environmental review.

5 That was done for the Wetland's Commission.  
6 I pulled it over to Planning and Zoning and put it on file,  
7 also, so the Planning and Zoning Commissioners have access  
8 to that same report.

9 There's no sense in us asking for another  
10 report when that report is a few months old and they just  
11 did it. And it's very telling, and I would suggest you get  
12 a copy of that down at the Town and City Clerk's office and  
13 read that report.

14 It's quite extensive, and that's the  
15 Southwest Conservation, and that's on file, and that will  
16 probably substantiate a lot of things that are in this  
17 King's Mark environmental review.

18 I think that was on the list of things that  
19 I put on the record at the last public hearing.

20 MR. STOWE: Well, I mean, I'm not trying to

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1 be contradictive, but I don't understand why that this  
2 fellow from the State recommended this, and then, when I  
3 mentioned it to the head of this Department, this Elaine  
4 Fitch, she had no knowledge of anyone asking them to do  
5 another report, and she said that you should have another  
6 report done, because I explained to her what was going on  
7 with the public, not the Board, but the public, and she  
8 explained to me that the public hearing has to --

9 CHAIRMAN FLAHERTY: -- King's Mark for  
10 Wetlands?

11 MS. FLAHERTY: We did. We sent the letter  
12 to King's Mark, and I can pull that information out, that  
13 they were not going to review it, because it was a 1988  
14 report on file.

15 There is, in part of our record from last  
16 month --

17 CHAIRMAN FLAHERTY: Speak to me, please.

18 MS. FLAHERTY: The Southwest Conservation  
19 District report, that's number two on your list that you  
20 placed in the record, but the King's Mark, I believe, I'd

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1 have to look at the letter again to see what it says.

2 CHAIRMAN FLAHERTY: I mean we'd be glad to  
3 send another letter to King's Mark.

4 MR. STOWE: Would you, please, for the  
5 public's sake?

6 CHAIRMAN FLAHERTY: But understand that  
7 when Wetland's requested three months ago, or four months  
8 ago, a King's Mark environmental review, they cited they  
9 have one already, so I will get that letter, also, for the  
10 public. I will write a letter to them. I'd be glad to.

11 MR. STOWE: And I could call her again and  
12 say, you know, what you told me and see what the problem  
13 was. Many times, letters get sent.

14 CHAIRMAN FLAHERTY: I mean we have a reply  
15 on file that says that they already did the review, and  
16 they're not going to do another one, and this is the  
17 review. I'm assuming that since nothing was done on the  
18 site, they feel that nothing has changed, but that's only  
19 me assuming, so let's send a letter to them and ask for a  
20 King's Mark environmental review. I have no problem doing

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1 that.

2 MR. STOWE: The thing that's changed is,  
3 when this report was done, they had public water, City  
4 water that they were saying they were going to put in, and  
5 we're standing here today, sitting here today, and we're  
6 talking about maybe having wells over there, and that's one  
7 of the chief concerns here.

8 I will call. This Randy Steinen(phonetic)  
9 that works for them, this Elaine Fitch told me to call him,  
10 and he went in his files and talked about the water report.

11 I don't know exactly what level. I'll just  
12 say there's excellent, good, medium, poor and no water, and  
13 he was on the poor level.

14 And, to go back, this report was done for a  
15 subdivision with City water in it.

16 CHAIRMAN FLAHERTY: As I said, I'll be glad  
17 to send a letter, but it's already been tried.

18 MR. STOWE: Well let's try again.

19 CHAIRMAN FLAHERTY: We'll send a letter,  
20 asking for a review, and I'll also get their response from

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1 Wetlands, and maybe you talking to these people maybe  
2 they'll be helpful.

3 MR. STOWE: Yes. I'm trying. I have  
4 another question. As far as the list of people that were  
5 asked within 100 feet, is there a list to the public that I  
6 could have of those people?

7 CHAIRMAN FLAHERTY: He did it within 500  
8 feet, and that's on file.

9 MR. STOWE: So all the people on that list  
10 are public?

11 CHAIRMAN FLAHERTY: The list that Attorney  
12 Hoyle gave this Commission is on file.

13 MR. STOWE: I'm just asking, because --

14 CHAIRMAN FLAHERTY: It's on file.

15 MR. STOWE: Just so I will be able to  
16 retrieve that. That's basically what.

17 CHAIRMAN FLAHERTY: Just go down and ask  
18 the Town and City Clerk.

19 MR. STOWE: Very good. This Randy Steinen  
20 said that the public should get their own hydrogeologist,

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1 because it's just a natural thing. If the developer gets  
2 one, he's liable to favor the developer.

3 Do you know why Mr. Malone isn't  
4 testifying? I mean the State Health Department said he was  
5 supposed to give testimony. I mean I know Gary Malone very  
6 well, and the State Health Department, this McClellan here,  
7 Cliff McClellan, I talked to him on the phone, and he says  
8 I'm going to call the Valley Health, because the State has  
9 no jurisdiction here, and I'm going to see what he's doing  
10 with this, and I'm going to find out what suggestions he's  
11 giving.

12 And then he called me back, and I gave you  
13 a copy of those papers, you know, some information that he  
14 gave me.

15 CHAIRMAN FLAHERTY: Yeah. I haven't read  
16 them yet.

17 MR. STOWE: But he said, he says we can't  
18 do anything until after the fact, until all the wells are  
19 dry. He says we can't do anything. He says this is your  
20 health district. And he said I talked to Mr. Malone, and

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1 Mr. Malone has a testimony that he's going to give, and  
2 where is he?

3 Did he give you some testimony? I've got  
4 to keep up on this stuff, you know?

5 CHAIRMAN FLAHERTY: The only thing that I  
6 received from the Valley Health -- do you have that list?  
7 Where is it?

8 MS. FLAHERTY: Do you want a copy?

9 CHAIRMAN FLAHERTY: Do you have a copy of  
10 that? Because it doesn't tell what -- on item five, I have  
11 a Naugatuck Valley Health District letter, dated 3/1 of  
12 '11.

13 MS. FLAHERTY: That's it.

14 CHAIRMAN FLAHERTY: And that's the only  
15 thing that I have from the Valley Health.

16 MR. STOWE: Can you read it to the public,  
17 please?

18 CHAIRMAN FLAHERTY: Sure. You're running  
19 for Alderman I see.

20 MR. STOWE: That's got nothing to do with

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1 what's going on here, Mr. Flaherty.

2 CHAIRMAN FLAHERTY: Dear Chairman, on the  
3 date of March 3, 2011, P.E. plan submitted to this Health  
4 District have been reviewed and recorded on subject  
5 property of Castle Lane Estates, located on Gardner's Lane  
6 in Ansonia, Connecticut.

7 Please be advised that pursuant to N.V.H.D.  
8 subdivision regulations and protocol, the above-referenced  
9 subdivision is approved with the following provisions.

10 The public sewers are provided for all  
11 lots. The private wells will be permitted, provided City  
12 water is not within 200 feet of the subject property. See  
13 attached letter from Regional Water Authority. This is the  
14 only thing. I haven't received -- when did you talk to the  
15 State?

16 MR. STOWE: Last Wednesday, I think.  
17 Actually, I think it was Thursday or Friday by the time I  
18 got that.

19 CHAIRMAN FLAHERTY: I'm not aware of  
20 anything from Mr. --

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1 MR. STOWE: Malone.

2 CHAIRMAN FLAHERTY: I'm not aware of  
3 anything.

4 MR. STOWE: Other than what you just read?

5 CHAIRMAN FLAHERTY: I've seen nothing,  
6 other than that.

7 MR. STOWE: He signed that?

8 CHAIRMAN FLAHERTY: Who signed the letter?  
9 Yeah. Yeah.

10 MR. STOWE: I'm going to have to call his  
11 office, because maybe that's his testimony. I think that  
12 we're going to need some further input from him under these  
13 conditions.

14 Does he know what the environmental study  
15 said about the water there? Did he go and look up in his  
16 office all this?

17 CHAIRMAN FLAHERTY: You have to ask him.  
18 You're doing these rhetorical questions. I can't answer  
19 you. I don't know. You're going to have to ask him.

20 MR. STOWE: Mr. Flaherty, honestly, I'm not

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1 doing this for you. I'm doing this for the public. I'm  
2 saying this stuff, because they don't know. They do not  
3 know.

4 CHAIRMAN FLAHERTY: I understand what  
5 you're doing.

6 MR. STOWE: Okay, now, being that perhaps  
7 Mr. Malone doesn't have all that information, maybe he  
8 needs it, and maybe he needs to reevaluate. I mean did he  
9 go in his office and pull all the permits for the dry wells  
10 that needed a new well, because every time you put one in,  
11 you're supposed to go get a permit, and that's down in his  
12 records.

13 We can make this easy, I mean if we all  
14 want to work together, and you can call him and tell him  
15 that this is becoming a pressure cooker, or else I can go  
16 down to his office and get all the old permits.

17 I mean, one way or the other, I'm going to  
18 do something. I'm not going to give up on this.

19 CHAIRMAN FLAHERTY: I would suggest that  
20 you call Mr. Malone and ask him where he is. Tell him who

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1 you talked to in the State, and they said he was going to  
2 come and testify.

3 MR. STOWE: Right.

4 CHAIRMAN FLAHERTY: I can't account for  
5 him.

6 MR. STOWE: I understand, but this needs to  
7 all be on the record.

8 CHAIRMAN FLAHERTY: Well it is.

9 MR. STOWE: Right. We're putting it on  
10 there, and we're doing a very good job.

11 CHAIRMAN FLAHERTY: Thank you.

12 MR. STOWE: I called the DEP State Storm  
13 Water Management, and they told me that over 10 acres  
14 disturbed --

15 CHAIRMAN FLAHERTY: They will need a  
16 permit.

17 MR. STOWE: Not only do they need a permit,  
18 but their storm drainage plan has to be inspected by the  
19 State.

20 CHAIRMAN FLAHERTY: Correct.

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1 MR. STOWE: So we know that.

2 CHAIRMAN FLAHERTY: Correct.

3 MR. STOWE: The rest of this stuff, I mean,  
4 is, you know, it's all, you know, it's all in that report  
5 there, about the erosion, and there's not good topsoil on  
6 the property to put back vegetation.

7 The rocks, which the City engineer knows  
8 this, with the kind of rocks and boulders that are there,  
9 there's no way that they can take the fill that's there and  
10 compact it without having voids and possible water  
11 blowouts.

12 Like two years ago, down at the bottom of  
13 that hill, somebody, I don't know if it was from the Zoning  
14 Department or where they were from, they were searching  
15 where some water was coming out of the bank, because it was  
16 flooding somebody out, and I think that was two years ago.

17

18 I have no paperwork to substantiate that.  
19 I know it happened, because my neighbors came. Did you see  
20 this guy wandering around?

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1                   CHAIRMAN FLAHERTY: I think, if you get  
2 that soil report that's on file from Southwest, I think  
3 that would be helpful. It's a pretty extensive report, Mr.  
4 Stowe.

5                   MR. STOWE: Okay, so, I think I've just  
6 about covered everything I had to say. Is there anything  
7 anybody on this Board would like to follow-up with to  
8 support anything that I said?

9                   CHAIRMAN FLAHERTY: Well I think that the  
10 process that we're going through and the record of the  
11 public hearing elicits the request for more information and  
12 clarification and so on and so forth.

13                   MR. STOWE: Okay, so, being that there  
14 probably will not be a crusher allowed up there, I hope,  
15 because I know what a crusher is and what it sounds like,  
16 and the dust, and the noise, and the impactor that's going  
17 to come up there with it to take care of all those granite  
18 boulders that are going to take about 20 minutes each one,  
19 because I know what they are, may I ask the City Engineer a  
20 question?

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1 CHAIRMAN FLAHERTY: No, you ask the Chair a  
2 question.

3 MR. STOWE: And then you can ask him?  
4 Those are granite boulders. They don't -- I know, from my  
5 own experience, you put a piece of dynamite in them, and  
6 they don't like to blow up. A lot of times, the dynamite  
7 just blows right out of the hole. You stuff it, and it  
8 comes out of the hole you drill, because they're so hard.

9 To impact those with a big real impactor on  
10 a real machine, a big one, I mean I would say that they're  
11 about 20 minutes a rock up there, and I'd just like his  
12 guesstimate. I'd be curious to know what his guesstimate  
13 is.

14 MR. FRED D'AMICO: Basically, the  
15 contractor claims that he's going to hammer the boulders  
16 instead of blasting them.

17 MR. STOWE: An impactor.

18 MR. D'AMICO: I don't know exactly how long  
19 it will take, though, until I see the size.

20 MR. STOWE: I've done it.

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1 MR. D'AMICO: It depends on the size of the  
2 equipment he uses.

3 MR. STOWE: I've done it. I've done it on  
4 subdivisions. I've done it, and those granite boulders  
5 they take about 20 minutes a pop to make them small enough  
6 to stick them in a crusher.

7 I don't want to hear it. I'm sorry to the  
8 developer. I don't want to be listening to that. We are  
9 in too close a quarters to be listening to impactors and  
10 crushers up there.

11 And then, when you don't allow them to do  
12 that, then the problem becomes how are they going to  
13 compact the slopes? What are they going to do with all  
14 that material? You've got a real problem there.

15 COURT REPORTER: Mr. Stowe, one moment.

16 MR. STOWE: That's all. I really wish you  
17 didn't mention I was running for Alderman, because that had  
18 absolutely nothing to do with why I'm here.

19 CHAIRMAN FLAHERTY: I'm sure.

20 MR. STOWE: It's my neighbor.

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1 CHAIRMAN FLAHERTY: Bob Koslowski?

2 MR. STOWE: Thank you.

3 CHAIRMAN FLAHERTY: Bob Koslowski? Good  
4 evening, Mr. Koslowski.

5 MR. BOB KOSLOWSKI: Good evening. Bob  
6 Koslowski, 42 Granite Terrace, Ansonia. Basically, I'm  
7 going to go over everything like we did at the last meeting  
8 last week.

9 Ninety-nine and 9/10 percent of every  
10 single person that was in here are concerned about losing  
11 their wells, damage to their houses, the noise that is  
12 going to come out with a rock crusher being up there, all  
13 the heavy machinery being up there.

14 There are a lot of families up there that  
15 have little kids, and it's not right, and it's going to  
16 destroy a lot of property up there, and you're going to get  
17 a lot of people, besides those 23 houses that aren't going  
18 to sell, you're going to get a lot people moving out of  
19 Ansonia.

20 Do the right thing for the City of Ansonia,

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1 and don't let it go through. Thank you. (Applause)

2 CHAIRMAN FLAHERTY: Howie Williams?

3 MR. HOWIE WILLIAMS: Good evening.

4 CHAIRMAN FLAHERTY: Hi, Howie.

5 MR. WILLIAMS: Howie Williams, 3 Laurel  
6 Street. My property kind of backs up to Granite Terrace,  
7 so I'm indirectly affected by this project.

8 Most of my concerns have to do with items  
9 that were covered last Monday night dealing with water and  
10 water supply, both for domestic use and fire protection.  
11 Right now, there is water up on Rockwood Avenue that goes  
12 as far as Elaine Drive, and I know that's been brought up  
13 before.

14 I don't understand how Regional Water  
15 Authority can say that they cannot bring water over that  
16 hill to North Prospect Street Extension or Castle Lane.

17 When Regional Water started supplying the  
18 water to my neighborhood, there was so much pressure there  
19 on Rockwood Avenue that I had to put in a water pressure  
20 reducing valve on my system in order to keep my relief

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1 valves on my boiler and my water heater from blowing.

2 If I have that much pressure on Rockwood  
3 Avenue, I am certain that that water can be brought over  
4 the hill from Elaine Drive to Granite Terrace. I'm sorry.  
5 Not Granite Terrace, but Castle Lane and North Prospect  
6 Street Extension.

7 The other concern is water for fire  
8 protection up there. I know it's on file that the  
9 recommendation from the Fire Marshal's office was to put in  
10 a 30,000-gallon holding tank. According to NFPA  
11 recommendations, that is a minimum.

12 And I know, according to last week's  
13 minutes, I believe the City Engineer had recommended a  
14 20,000-gallon tank for every five houses. I would strongly  
15 recommend that if this project were to go through, that  
16 they would go with that recommendation, rather than the  
17 minimum recommendation from NFPA.

18 The other problem dealing with some of the  
19 people's wells in the neighborhood, I've lived in that  
20 neighborhood, well, I first moved in there when I was seven

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1 years old, and, at that time, when I was a kid, I remember  
2 there being well problems over on Granite Terrace.

3 People at that time had problems with their  
4 wells and their water. I don't imagine that a rock  
5 crusher, or an impactor, or anything else that's going to  
6 be up in that area is going to do anything to help that  
7 situation and make these problems better or alleviate these  
8 problems in any way.

9 Primarily, from a fire protection  
10 standpoint, I would recommend something more than a 30,000-  
11 gallon tank, and I would also be concerned about the width  
12 of the road up there handling fire apparatus.

13 Some of you people in this room are well  
14 aware of the size of modern day fire apparatus, and, as  
15 someone said, the road up there at its narrowest point is  
16 17 and a half feet, something along those lines, so I would  
17 be very, very concerned about getting fire apparatus in and  
18 out of there, even with a water tank in that area. Thank  
19 you very much. (Applause)

20 CHAIRMAN FLAHERTY: Thank you very much.

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1 Okay. Is there anyone else, who wishes to speak, who  
2 didn't sign up? Ms. Lee?

3 MS. HEATHER LEE: Thank you, Chairman.

4 CHAIRMAN FLAHERTY: Good evening.

5 MS. LEE: It's really repetitious. It's  
6 the water. What amazes me is that they did some kind of a  
7 test that says there's plenty of water in the ground and  
8 that we shouldn't worry, and that's kind of like saying  
9 that Texas is not going to have flooding right now.

10 This is the wettest summer we've had in  
11 ages. I had to re-drill. I get two gallons a minute.  
12 You're supposed to get four to five.

13 A gentleman was up here last week that 700  
14 feet down is getting, he said, one and a half. I can't  
15 imagine putting 23 more wells in, drawing off of the water  
16 system up there and it not negatively affecting our wells.

17 I've been there 29 years. This is an  
18 incredibly wonderful neighborhood. I am now the old guy on  
19 the street. When my husband and I moved in there, these  
20 old timers that were there their whole lives have since

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1 gone. Many young families have moved in with children, and  
2 they're wonderful.

3 You don't see squad cars up there. It's  
4 just a wonderful, wonderful neighborhood, and I hate to see  
5 it be destroyed by added traffic, added congestion, and the  
6 possibility of what this man is going to do affecting our  
7 foundations and our wells and our life, our quality of life  
8 while he's going on with this.

9 This property was never for sale. This is  
10 Cass(phonetic) property that a developer prior to this  
11 developer approached him to buy the property. It was never  
12 on the market, probably for a reason.

13 Dennis Cass told me, when we moved there  
14 and we were interested in buying some property behind us to  
15 square off our lot, don't worry about it. There will never  
16 be anything back there. Look at the slope. It's  
17 unbuildable. And people approached him to buy the  
18 property.

19 It's a really tough property. You walked  
20 it. I walked it. I thought I was going to have a heart

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1 attack coming back up the mountain. I don't know what it's  
2 going to do to the pond down there, which they did spend a  
3 lot of money dredging.

4 It's nice that you have that buffer between  
5 a park and a residential area. I realize that this is the  
6 developer now that has bought it. This is his livelihood,  
7 his business, but he's not a resident. When he's done,  
8 he's gone. His concern for the present neighbors I would  
9 say is probably nil. Thank you very much.

10 CHAIRMAN FLAHERTY: Thank you, Ms. Lee.  
11 (Applause) Okay, is there anyone, who wishes to speak, who  
12 would like to add something, hopefully new.

13 Mr. Tchakirides, was it you that gave the  
14 testimony that the road was 15?

15 MR. TCHAKIRIDES: Seventeen. I measured it  
16 today. There's a big oak tree.

17 CHAIRMAN FLAHERTY: Is that from curb-to-  
18 curb?

19 MR. TCHAKIRIDES: Yes.

20 CHAIRMAN FLAHERTY: Okay.

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1 MR. TCHAKIRIDES: There's oak tree at the  
2 narrowest point on my property to the existing asphalt curb  
3 that they made when they repaved.

4 CHAIRMAN FLAHERTY: No. I'm saying from  
5 curb-to-curb the width of the road, itself.

6 MR. TCHAKIRIDES: Well there's only curb on  
7 one side. From that curb to the tree is 17 and a half  
8 feet.

9 CHAIRMAN FLAHERTY: Okay, thank you. Yes,  
10 sir?

11 MR. JESUS CRUZ: Jesus Cruz, 25 Castle  
12 Lane.

13 CHAIRMAN FLAHERTY: Yes, Mr. Cruz. How are  
14 you?

15 MR. CRUZ: I've spoken before.

16 CHAIRMAN FLAHERTY: Yes.

17 MR. CRUZ: I have one question. Last week,  
18 I asked, basically asked a question in reference to the  
19 letter you read today about the 200 feet, the property line  
20 to the water line that's on Granite Terrace.

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1                   Has anybody looked at that, because I've  
2 walked that area right to the border of that property, and  
3 it's less than 200 feet?

4                   CHAIRMAN FLAHERTY: We're going to ask the  
5 City Engineer.

6                   MR. CRUZ: I think that what he proposed to  
7 Naugatuck Valley was --

8                   CHAIRMAN FLAHERTY: To research.

9                   MR. CRUZ: -- where he was building it, and  
10 he's using the part of the property that he's donating, or  
11 putting as open space to meet that or be the 200 feet, but  
12 the law basically says, if your property is within 200 feet  
13 --

14                  CHAIRMAN FLAHERTY: It says property, I  
15 believe.

16                  MR. CRUZ: Yeah. It says property, so he's  
17 well within.

18                  CHAIRMAN FLAHERTY: It doesn't say a  
19 specific point. It just says any point. I'm assuming it's  
20 any point on the property.

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1 MR. CRUZ: Right.

2 CHAIRMAN FLAHERTY: I'm assuming that  
3 that's what it is.

4 MR. CRUZ: I've done a lot of research.  
5 I've nagged a few people. From what I can determine, that  
6 requires, from the point of your property beginning that  
7 200 feet, that he's well within that 200 feet, so requiring  
8 City water there is a moot point.

9 His property meets that 200 feet, he needs  
10 to put water there. He needs to put City water in there.

11 The other thing I wanted to refer, I've  
12 been looking through the zoning ordinances. Just to  
13 refresh everybody's memory, Articles 100.1 through 100.3,  
14 basically, on Article 1, Jurisdictions and Definitions, I'm  
15 sure you gentlemen are all aware of it.

16 It basically says that you're in power to  
17 protect the safety, the livelihood, the economy of the  
18 areas in Ansonia. I think that we've shown, everybody who  
19 has spoken here, has shown that this development, the way  
20 it's been planned, is going to be a hardship.

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1                   It has the possibility of being a hardship  
2 to more than 50 families up in that area that uses water.  
3 It's the possibility of safety features. My wife walks our  
4 dog every day up Old Ansonia Road, she runs, and, right  
5 now, the traffic.

6                   I send her out before it starts getting  
7 dusk, because cars get a little crazy coming around those  
8 curves on Old Ansonia Road. Sixty to 70 more cars there,  
9 speeding along, trying to jam down Castle Lane to get home  
10 and leave and what have you, is going to be an atrocious  
11 nightmare.

12                   I can't see how you will be able to ask  
13 Seymour to expand a part of Castle Lane that's on their  
14 area. Basically, that road got paved, because Ansonia did  
15 it. Seymour I don't think has the resources to deal with  
16 the road.

17                   If you drive Old Ansonia Road to 313, the  
18 amount of potholes on that road is unbelievable, and  
19 they've been there for the last two or three years.  
20 Seymour comes in and spot fixes them, then, as soon as it

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1 rains, or it gets cold, or whatever, they open up again.

2 There are dips on that road. There's just  
3 a big nightmare when you drive that. I've walked that  
4 road. I've driven that road. I see what's there. Sixty  
5 more cars there, you figure two cars per household, some  
6 houses have three cars if they have older kids, it's just  
7 going to be a nightmare to shove them down Castle Lane.

8 I can see that being a big safety issue. I  
9 can see more accidents happening. Basically, it's all of  
10 these things basically tell me that this is not a good  
11 project for us.

12 And if you decide to let them do it, then  
13 the bare minimum requirement should be City water. 30,000-  
14 gallon tank, or 20,000-gallon tank, they still have to pump  
15 it out of wells. That's just more water that's going to  
16 come out of our wells and dry us up.

17 If we all go dry at the same time and  
18 cannot recharge our wells, it will be up to the City of  
19 Ansonia to come in and help us out until they can get us  
20 City water or fix the problem.

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1                   Eventually, we'll have to pay for it, but I  
2 think that will be a big burden on the City of Ansonia if  
3 it should happen, and there's a real possibility that it  
4 will happen, and I think that's what we're dealing with.

5                   What are the possibilities of this being a  
6 detriment to the people who are living there, and there's a  
7 real big possibility of being a detriment to everybody out  
8 there, so, please, please, think about it. Thank you.

9                   CHAIRMAN FLAHERTY: Thank you, Mr. Cruz.  
10 Yes, sir?

11                   MR. SEAN AUTEN: My name is Sean Auten from  
12 112 North Prospect Street. I'm Heather's neighbor.

13                   COURT REPORTER: What's your last name,  
14 please?

15                   MR. AUTEN: Auten, A-U-T-E-N. I currently  
16 get less than a gallon a minute. I have quotes for  
17 drilling a new well that I've been putting off, and now  
18 this has kind of got it up in the air.

19                   I moved into the neighborhood from  
20 Stratford about eight years ago with my wife. I have two

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1 young kids, so the longevity thing is an issue. We like it  
2 here. What if things change in the neighborhood and huge  
3 costs come up? Moving is not realistic, so the idea of 23  
4 homes right in my backyard is definitely a little nerve  
5 racking, so that's all. Just for the record, the water is  
6 definitely a concern.

7 CHAIRMAN FLAHERTY: Thank you very much.

8 (Applause) Okay, is there anyone else?

9 MR. MUSANTE: Mr. Chairman, I suggest the  
10 City buy that property, and there won't be no problems  
11 around there, because there's going to be all kinds of  
12 problems.

13 The traffic coming through Seymour, that's  
14 going to be a problem. By then, the schools are going to  
15 be overcrowded there. They're going to have to walk from  
16 all the way down there, up the hill, down Elaine Drive to  
17 get a bus, because now they walk from Prospect Street all  
18 the way down to Elaine Drive to get a bus.

19 If this goes through, there's going to be a  
20 big problem. Really, there's going to be a big problem

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1 going through Seymour. Oh, yes. Thank you.

2 CHAIRMAN FLAHERTY: I suggest you go to the  
3 Board of Alderman meeting, Mr. Musante. We don't have any  
4 money or the ability to buy land.

5 MR. MUSANTE: Well I'm black and white  
6 stating it --

7 CHAIRMAN FLAHERTY: I think it would be  
8 good if you went --

9 MR. MUSANTE: -- cannot handle the traffic.

10 CHAIRMAN FLAHERTY: I suggest you go to the  
11 Board of Alderman about buying the land, because it's  
12 beyond our -- we fully support you, but we don't have any  
13 money. This Commission doesn't. It's not in our budget.  
14 Anyone else? Is there anyone else? And, for the last  
15 time, is there anyone else, who wishes to speak?

16 Okay. There being no further person  
17 wishing to speak, then I'll just have the public session  
18 will be in abeyance.

19 Just some housekeeping. I'll entertain a  
20 motion to enter onto the record the letter from Mrs. Stowe,

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1 Mr. and Mrs. Stowe. That other submittal, Secretary, I  
2 don't know the name of it.

3 MS. FLAHERTY: Here's the three things.  
4 Here's the things for tonight.

5 CHAIRMAN FLAHERTY: In addition to  
6 everyone's comments, of course. They'll be in the verbatim  
7 minutes.

8 The letter from Attorney Hoyle, requesting  
9 an extension of the public hearing, the letter from Charles  
10 and Deidre Stowe, the submittal from Charles Stowe, and  
11 it's the Drinking Water Section from the State of  
12 Connecticut, Department of Public Health Drinking Water  
13 Section, a quit claim deed that was submitted by Charles  
14 and Deidre Stowe, and a sketch from Mr. Nelson with an  
15 attachment.

16 Motion to put those on the public record?

17 A MALE VOICE: I make a motion.

18 A MALE VOICE: Second.

19 CHAIRMAN FLAHERTY: I'm sorry? And, also,  
20 the King's Mark environmental review from 1988 that Mr.

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1 Stowe gave us this evening.

2 A MALE VOICE: I make a motion.

3 A MALE VOICE: I'll second.

4 CHAIRMAN FLAHERTY: All in favor?

5 VOICES: Aye.

6 CHAIRMAN FLAHERTY: Anyone opposed? Anyone  
7 abstain? The Chair declares the motion passed.

8 I'm going to ask our attorney to research  
9 the ability of this Commission to require or to inject  
10 ourselves into the public water supply. Can we require a  
11 hydrological study? Should that come from the Naugatuck  
12 Valley Health?

13 If you could clarify that, because the  
14 information that I received for the record obtaining a  
15 suitable water supply, and I'll just briefly hit the  
16 highlighted, water supply for subdivision lots is seldom a  
17 problem or concern of the Planning Commission. That's not  
18 true.

19 The standards for well water construction  
20 yield are contained in State Statute 25128-35 of the

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1 Connecticut State Regulations.

2 And then, and I'm not going to read it  
3 verbatim, but all wells are under the jurisdiction of the  
4 Public Health Services. It goes on. Water in some  
5 quantity adequate for single-family use would be found most  
6 anywhere, however, it's very interesting.

7 While opponents to development often claim  
8 that there may be inadequate water for the property, most  
9 Planning Commissions ignore such claims and do not require  
10 wells to be constructed before approving the project.

11 The developer cannot make use of a  
12 subdivision lot anyway if there is an inadequate water  
13 supply. The number of subdivision lots with on-site wells  
14 has no significant affect on the water table or amount of  
15 water available for each residence where the lots have  
16 septic systems since the water used by the houses is  
17 eventually returned to the ground water.

18 There can be a problem in some locations  
19 where wastewater is discharge into sewers and removed from  
20 the area, which is the case here.

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1           Then, further, Zoning officials do not have  
2           the authority to enforce the Public Health Code, and the  
3           Local Health Director or the Sanitarian acting under the  
4           supervision of the Health Director are responsible for  
5           determining whether an application complies with the Public  
6           Health Code.

7           I only reiterate this, because there's a  
8           lot of people who went to the Naugatuck Valley Health and  
9           you talked to those people, and they said we have control.

10          The State Statutes don't seem to support  
11          this, so what I'd like is very specifically to know,  
12          inasmuch as there's no recharge from septic systems,  
13          because the well water isn't going back into the ground  
14          through the septic system, it's going to the public water  
15          supply, that's a mitigating factor, so I'd like to know if  
16          this Commission, you know, what control we have over the  
17          wells, if you would, please.

18          If someone would remind me during our  
19          regular session to entertain a motion to send a letter to  
20          King's Mark, I'd appreciate it. We can't do it within this

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1 public hearing.

2 We have a request from the applicant's  
3 attorney, Mr. Hoyle, for an extension to our October  
4 meeting, at least.

5 MR. HOYLE: Correct, Mr. Chairman.

6 CHAIRMAN FLAHERTY: And, so, Commissioners,  
7 what he's asking for is an extension until the October --

8 MR. HOYLE: Well continuation of the public  
9 hearing.

10 CHAIRMAN FLAHERTY: A continuation of the  
11 public hearing to the October what?

12 MS. FLAHERTY: 24th.

13 CHAIRMAN FLAHERTY: 24th meeting. Okay.  
14 I'll have a question of you during the meeting, our  
15 regularly scheduled meeting. You'll be here?

16 MR. HOYLE: I will be here as long as you  
17 want me.

18 CHAIRMAN FLAHERTY: Okay and you might  
19 begin to think about is if you might want to continue every  
20 portion, but the waiver section of the public hearing, to

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1 get a poll.

2 You understand you need five votes to grant  
3 waivers?

4 MR. HOYLE: Correct.

5 CHAIRMAN FLAHERTY: Five votes, three-  
6 quarters of the Commission.

7 MR. HOYLE: Correct.

8 CHAIRMAN FLAHERTY: Not just a simple  
9 majority, so I might have a question for you during the  
10 regular meeting, Mr. Hoyle.

11 Okay. Is there anything else? Anything  
12 further?

13 MR. HEON: I would just like to have the --  
14 I don't know if we need to do it formally, or wait until  
15 the regular meeting, but I would like to have the City  
16 Engineer definitely follow through with that water line  
17 being within 200 feet, and, also, try and get a  
18 representative of Regional Water Authority here to answer  
19 the questions, because this is the hot topic, it seems to  
20 be, about water up there.

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1 CHAIRMAN FLAHERTY: It definitely is. I  
2 want a legal opinion.

3 MR. HEON: It would be greatly beneficial  
4 to get someone from Regional Water here, and if they were  
5 bringing it up, they could --

6 CHAIRMAN FLAHERTY: And the Valley Health  
7 District.

8 MR. HEON: And Valley Health.

9 CHAIRMAN FLAHERTY: Okay. I'll entertain a  
10 motion to continue the public hearing to 7:00 p.m., October  
11 24th.

12 MR. JAMES MARTIN: Excuse me, Mr. Chairman.

13 CHAIRMAN FLAHERTY: Yes?

14 MR. MARTIN: What if we don't have a quorum  
15 for some reason on that night? It has to be within 35  
16 days, doesn't it, from the 19th?

17 CHAIRMAN FLAHERTY: From the 19th. Well it  
18 could be 70 days.

19 MR. MARTIN: That's my concern, if  
20 something happened and we don't have a quorum that night.

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1 CHAIRMAN FLAHERTY: We need four.

2 MR. MARTIN: I mean I plan on being here.

3 I'm just bringing it up.

4 CHAIRMAN FLAHERTY: I don't know. I don't  
5 have a crystal ball. I mean if I could answer you if  
6 there's to be a quorum or not --

7 MR. MARTIN: Well the point is is what kind  
8 of situation will we be in?

9 CHAIRMAN FLAHERTY: Well is there a better  
10 night to do it? (Multiple conversations) No, we don't  
11 have 70 days.

12 MR. MARTIN: Thirty-five days.

13 CHAIRMAN FLAHERTY: We have 35 days, and  
14 then an additional 35 days, and it's up to the applicant to  
15 grant it. It's not up to us. We can't say we're going to  
16 take 35 more days.

17 MR. HOYLE: The applicant is going to be  
18 cooperative, Mr. Chairman.

19 CHAIRMAN FLAHERTY: If the applicant says  
20 he'll grant us an extension, then we can have 35 days, and

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1 then what I'm suggesting is the 24th, if he feels he needs  
2 a whole night, we'll have it a week or two following the  
3 24th.

4 We'll set the hearing on the 24th. We'll  
5 set that date. So if there's not a quorum --

6 MR. MARTIN: I'm just confused on the date  
7 of the 35 days. The 24th of October is going to be 35 days  
8 --

9 CHAIRMAN FLAHERTY: From the 19th.

10 MR. MARTIN: From the 19th.

11 CHAIRMAN FLAHERTY: From last Monday's  
12 public hearing.

13 MR. MARTIN: So we have to ask for an  
14 extension at that point?

15 CHAIRMAN FLAHERTY: No. We asked for an  
16 extension tonight.

17 MR. MARTIN: Okay.

18 CHAIRMAN FLAHERTY: And he's granting the  
19 extension 35 days, which brings us to October 24th. On  
20 October 24th, he can or cannot grant us another extension

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1 of 35 days, but, in any event, he can't grant more than 70  
2 days.

3 MR. MARTIN: Right.

4 CHAIRMAN FLAHERTY: Then the Commission has  
5 65 days from that date to act on the application. That's  
6 the timeline by State Statute. Am I correct?

7 MR. HOYLE: I believe so.

8 CHAIRMAN FLAHERTY: Correct, counselor?

9 MR. WELCH: Yes, but my understanding is  
10 that the applicant had requested or had been granting you  
11 the 35-day extension now.

12 CHAIRMAN FLAHERTY: Yes, he did.

13 MR. WELCH: You already had the 35 days, so  
14 he was giving you until the end of November. That's my  
15 understanding, if you need it.

16 CHAIRMAN FLAHERTY: Okay.

17 MR. WELCH: So that he's granted, if I  
18 understand, Attorney Hoyle has just confirmed that, that  
19 October 24th of our end of our 35 days.

20 CHAIRMAN FLAHERTY: Yeah.

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1 MR. WELCH: He granted us an additional 35  
2 days thereafter.

3 CHAIRMAN FLAHERTY: Correct. Okay.

4 MS. FLAHERTY: I prepared, because Attorney  
5 Hoyle gave me this letter, and he mentioned something about  
6 signing an extension.

7 CHAIRMAN FLAHERTY: Yeah, but we have 35  
8 days to conclude it, and that brings it to the 24th, I  
9 believe.

10 MS. FLAHERTY: Maybe, since Attorney Hoyle  
11 will be here for the regular meeting, Attorney Walsh can  
12 look at this and fill in that date.

13 CHAIRMAN FLAHERTY: Okay. Yeah, he can  
14 research it.

15 MS. FLAHERTY: I'll give it to him.

16 CHAIRMAN FLAHERTY: Okay. I'll entertain a  
17 motion to continue the public hearing to 7:00 p.m., October  
18 24th, before our regularly scheduled meeting?

19 MR. HEON: I'll make a motion.

20 CHAIRMAN FLAHERTY: Is there a second?

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1 A MALE VOICE: A second.

2 CHAIRMAN FLAHERTY: Anyone have anything  
3 else? All those in favor?

4 VOICES: Aye.

5 CHAIRMAN FLAHERTY: Anyone opposed? Anyone  
6 abstain? The Chair declares the motion passed. The  
7 hearing is continued until October 24th at 7:00 p.m. before  
8 our regularly scheduled meeting.

9 We'll take a five-minute recess, and then  
10 our regularly scheduled Planning and Zoning Commission  
11 meeting will begin.

12 Five-minute recess.

13 (Whereupon, the hearing adjourned at 8:15  
14 p.m.)

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