

VERBATIM PROCEEDINGS

ANSONIA PLANNING & ZONING COMMISSION

PUBLIC HEARING

CASTLE LANE ESTATES SUBDIVISION

NOVEMBER 14, 2011

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HEARING RE: ANSONIA PLANNING & ZONING COMMISSION
NOVEMBER 14, 2011

1 . . . Continued verbatim proceedings of a
2 public hearing before the Ansonia Planning & Zoning
3 Commission in re: Castle Lane Estates Subdivision, held at
4 the Ansonia City Hall, 253 Main Street, Ansonia,
5 Connecticut, on November 14, 2011, at 7:00 p.m. . . .

6

7

8

9

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

12 CHAIRMAN BART FLAHERTY: Will the
13 Secretary please call the roll?

14 (Whereupon, roll call was taken.)

15 MS. JO-LYNN FLAHERTY: We have a quorum.

16 CHAIRMAN FLAHERTY: There is a quorum
17 present. The public hearing continued, October 24, 2011
18 to November 14, 2011, Castle Lane Estates Subdivision, 26
19 Gardner's Lane, North Prospect Street and Castle Lane,
20 Ansonia, Connecticut, Castle Lane Development, Mark

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1 Romano.

2 The Planning & Zoning Commission, City of
3 Ansonia, Connecticut, has continued the public hearing on
4 Castle Lane Estates Subdivision held Monday, October 24,
5 2011 to Monday, October 24, 2011, to Monday, November 14,
6 2011, in Ansonia City Hall, Main Street, Ansonia. The
7 proposed 23 lot subdivision is located on and borders
8 Gardner's Lane, Castle Lane, North Prospect Street, North
9 Prospect Street Extension, Granite Terrace all in Ansonia,
10 and Old Ansonia Road, Seymour.

11 At said hearing all interested parties
12 will be given an opportunity to be heard. A copy of the
13 application and map are on file in the office of the Town
14 and City Clerk, 253 Main Street, Ansonia, dated Ansonia,
15 Connecticut, the 8th day of November, Ansonia Planning &
16 Zoning Commission, Bartholomew Flaherty, Chairman,
17 published two times, Tuesday, November 8, 2011 and
18 Thursday, November 10, 2011.

19 I'll entertain a motion to accept the call
20 of the meeting.

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1 MALE VOICE: I make a motion.

2 MALE VOICE: Second.

3 CHAIRMAN FLAHERTY: All in favor?

4 VOICES: Aye.

5 CHAIRMAN FLAHERTY: Anyone opposed,
6 abstained? Chair declares the motion passed.

7 Good evening everyone, welcome to our
8 public hearing on Castle Lane. So we'd like to welcome
9 you on behalf of the Commission. Counselor good evening,
10 how are you?

11 MR. CLIFFORD HOYLE: Hello Mr. Chairman.

12 CHAIRMAN FLAHERTY: Ladies and gentlemen,
13 I see we have our Fire Marshal here to discuss blasting.
14 And I understand there's no blasting, but at some point in
15 time briefly we'll have him just explain blasting so
16 everyone understands the concept of what transpires in
17 blasting anyway so we're all informed, just in case.

18 Yes, Attorney Hoyle.

19 MR. HOYLE: Mr. Chairman -- first Mr.
20 Chairman, I would like -- at the last meeting it was

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1 requested by Mr. Romano -- to Mr. Romano to please conduct
2 some additional test pits. He has and he has those
3 results, together with the results of previous testing
4 that had been performed on the lots. In addition, he also
5 has a letter from the Regional Water Authority about the
6 acceptability of the private water system. If I may
7 approach, I'd like to --

8 CHAIRMAN FLAHERTY: Absolutely, yes.
9 Okay, I will give this to the Secretary to place on file.
10 And also, if you could make sure that the City Engineer
11 gets it right away so he can review it. Thank you
12 Attorney Hoyle.

13 MR. HOYLE: At the last meeting Mr.
14 Chairman, you also indicated that you wanted to hear from
15 Mr. Nesteriak about our construction plans. And we filed
16 additional plans with the Board, delayed a few days
17 because of the storm, but Mr. Nesteriak is available when
18 you desire him.

19 CHAIRMAN FLAHERTY: And on behalf of the
20 entire Commission, I appreciate Mr. Nesteriak getting the

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1 maps to us prior to the meeting and prior to the weekend
2 so we all had an opportunity to look at it. I know that
3 you were out of power so I don't know how you did it but -
4 - when I get them late I complain, when I get them on time
5 I have to acknowledge that. Thank you very much.

6 Okay, I'm trying to think of how best to
7 proceed. We have our Fire Marshal here and -- would you
8 have any objection to him just giving us a brief overview
9 of blasting so that he can go to the UConn game -- he can
10 get out of here and watch his UConn game?

11 MR. HOYLE: Absolutely not.

12 CHAIRMAN FLAHERTY: Okay, just briefly --
13 good evening, if you'd come forward and just introduce
14 yourself.

15 MR. RAY TINGLEY: Yes, good evening Mr.
16 Chairman and members of the Board. Ralph Tingley, Ansonia
17 Fire Marshal. Mr. Chairman, would you like to have me
18 address you or address the folks in the audience?

19 CHAIRMAN FLAHERTY: You could -- kind of
20 both.

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1 MR. TINGLEY: Okay, very good.

2 CHAIRMAN FLAHERTY: We need the
3 microphone. There were a number of concerns Mr. Tingley
4 about blasting and so forth, and as I told the folks we
5 don't control blasting --

6 MR. TINGLEY: Right.

7 CHAIRMAN FLAHERTY: -- that it's under the
8 direction of the Fire Marshal. And if you could just --

9 MR. TINGLEY: I'd be happy to.

10 CHAIRMAN FLAHERTY: -- the subdivision --
11 the statement that we received is that there will be no
12 blasting.

13 MR. TINGLEY: Ahum.

14 CHAIRMAN FLAHERTY: So we had to go and
15 they did more test pits, so I don't know what the results
16 were but we're under the assumption there will be no
17 blasting.

18 MR. TINGLEY: Right.

19 CHAIRMAN FLAHERTY: However, there was a
20 lot of questions and I think that for all those present it

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1 might be helpful to tell them.

2 MR. TINGLEY: Folks, the first thing I
3 want to clarify is that the local Fire Marshal only can
4 regulate what the State has in the statutes. The only
5 person that can make regulations regarding blasting is the
6 Commissioner of Public Safety and whatever they come up
7 with for regulations we have to follow that. So if the
8 Board decided that you can't blast after 1:00 on a
9 Thursday afternoon that's not enforceable, okay. The only
10 thing we can enforce are the rules and regulations that
11 are in place in the state right now.

12 Having said that, that does present some
13 issues because these regulations haven't been changed in
14 over 30 years. For whatever reason every time the
15 Commissioner went to the Legislature to get these
16 regulations updated for a more modern situation that we
17 run into out there, it's been thrown out. So right now
18 we're still working with regulations that are 30 years
19 old. What that means is that where I would like to see
20 seismographs out on a site at all times, the contractor is

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1 not obligated to do that. On the good side, most of the
2 contractors that are out there right now are pretty good
3 about this. They don't want to have any problems anymore
4 than you folks do.

5 So they generally will have a certified --
6 at least one, most of the time two or three, seismographs
7 put out on that site to check the readings when they do
8 the blast. Now that also not only checks the vibrations
9 in the earth, it also checks the sound vibrations because
10 believe it or not we usually get more complaints from the
11 sound blast, from the air blast from these shots then we
12 do from the actual site evac. If you feel your windows
13 shake it's generally from a sound blast. And there's
14 readings that the State has adopted as maximum amounts and
15 that's what we would be obligated to go by. So long as
16 they're below those levels then we don't have any option
17 on that sort of thing.

18 Now, the other thing that is not allowed
19 -- or that is not required at this point in time, is pre-
20 blast surveys where they will come to your house, they

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1 will videotape, go through all your rooms, videotape the
2 ceilings, the walls, the foundation, to make sure that if
3 you develop a crack that okay, here's our pre-blast
4 survey. There were not cracks, yes, you had a problem
5 here, and then they are obligated by their insurance
6 carrier to fix that. Unfortunately again, there's nothing
7 in the statutes right now that require that. But again,
8 most of the contractors -- and I think it's pushed more by
9 the insurance companies than it is by anything else, most
10 of the companies within a 200/250 foot area of that blast
11 will go in and have pre-blast surveys done.

12 What I can tell you folks, and I've dealt
13 with this now for quite a few years, is it's amazing to me
14 the number of people where these companies come to the
15 door to do the pre-blast survey and they're refused entry.

16 I can't stress enough to you that if this does come about
17 that you allow the company to come in and do the survey.
18 Without that survey the insurance company, should you have
19 any damage, is going to just say forget it, you lose. So
20 I can't stress that enough, that if these people do come

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1 to your house that you allow them to do that. And when it
2 comes to wells, that's always a problem. Obviously it's
3 the first thing we usually hear about.

4 Again, the pre-blast survey, if there's a
5 well there they will generally do an inspection of that
6 well. What I would also suggest to you is that if you
7 haven't -- and I think a lot of people do this already, is
8 they have their water tested on a yearly basis anyway for
9 its clarity, for whatever minerals and everything. If you
10 don't have that please get that done and do a check to see
11 how many gallons per minute that you're running. That way
12 something is on file, there's a third party that's checked
13 it, and you've got that as backup. So those are the things
14 that I'd like to stress to you. When they do do a blast,
15 the blaster has to come to my office. I have to make sure
16 that he is indeed a licensed blaster that has been through
17 the State of Connecticut certification process and that
18 he's -- and I also check with the State to make sure that
19 there's no problems with this particular person before I
20 hand out that blasting certificate.

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1 And then we do monitor it. They have to
2 be out there with the signage and I request of them --
3 again, I request of them that they hand out something in
4 your mailboxes saying that they're planning on starting to
5 blast on such and such a date just so everybody is aware
6 of that. And they also have to use the whistles prior to
7 the blasting and if they're close by a particular house --
8 you know, they're not going to run around to Rockwood
9 Avenue, but if they're close by your homes I generally
10 would request that they at least knock on the door to let
11 you know that in 20 minutes we're going to have a shot.
12 So that's basically it in a nutshell folks.

13 So if there's anything that I can answer
14 for anybody here, if I don't have an answer I'll certainly
15 try to get one for you.

16 CHAIRMAN FLAHERTY: Okay, thank you.

17 MS. HEATHER LEE: Question.

18 MR. TINGLEY: Yes.

19 MS. LEE: If they do not send someone --

20 COURT REPORTER: I'm sorry, if you're

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1 going to be on the record you need to come up near the
2 microphone.

3 CHAIRMAN FLAHERTY: If you could stand and
4 state your name and address.

5 MS. LEE: I'm sorry, Heather M. Lee, 102
6 North Prospect Street Extension. If they don't send
7 people out and do the video on your thing can you do it
8 yourself?

9 MR. TINGLEY: You can hire somebody to
10 come in. There are companies out there that do that. Or
11 if you want to, I'm sure you can take and video yourself.
12 You have to be a little careful with that I'm sure because
13 they could always come back at you and say well, you
14 didn't do that before the blasting you did that after.

15 MS. LEE: Well, the video should be --

16 MR. TINGLEY: So, I mean if you could try
17 to do that I don't think that would be bad. But again,
18 this is free of charge that they're going to send these
19 people in.

20 MS. LEE: I'm just saying if they didn't.

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1 MR. TINGLEY: Yeah, no, certainly you can
2 do that, absolutely.

3 MS. LEE: Thank you.

4 MR. TINGLEY: You're welcome. Sir?

5 MR. EDWARD MUSANTE: Edward Musante, Old
6 Ansonia Road, in back of Castle Lane. They start blasting
7 and what can happen with our wells if our wells start to -
8 -

9 MR. TINGLEY: Well again --

10 MR. MUSANTE: -- they going to guarantee,
11 the City or the contractor?

12 MR. TINGLEY: -- well again, it comes --
13 the City is not going to guarantee this. They City
14 doesn't have that responsibility. The contractor carries
15 insurance, okay. And again, if you've got documentation
16 prior to the blasting starting as to what that well was
17 capable of and the clarity of that well, then you're that
18 much ahead of the game for that. But you have to have
19 that ahead of time. If they do that survey that will be
20 taken care of at that point.

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1 MR. MICHAEL BETTINI: Mr. Tingley.

2 MR. TINGLEY: Yes sir.

3 MR. BETTINI: Just a couple of questions
4 for you mostly about hours of operation.

5 MR. TINGLEY: Ahum.

6 MR. BETTINI: Do you limit the hours of
7 operation?

8 MR. TINGLEY: I cannot limit any hours of
9 operation. Again, it's by State statute. They can
10 basically go in from 8:00 to 5:00, Monday through
11 Saturday. They cannot blast on Sunday.

12 MR. BETTINI: 8:00, okay, and you're --

13 MR. TINGLEY: But they're generally --
14 especially if it's this time of year, they're not going to
15 be out there in the dark obviously.

16 MR. BETTINI: Sure, but 8:00 to 5:00,
17 Monday through Saturday.

18 MR. TINGLEY: Yes, that's correct.

19 MR. BETTINI: And your certification, does
20 that have an expiration to it? Is it valid for the entire

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1 site when you certify allowing the blasting to take place?

2 MR. TINGLEY: What I generally do and what
3 most Fire Marshals do is they get a monthly permit, so
4 they'll come in and whatever date it is we'll give them a
5 30 day period. And then they would have to reapply after
6 that period.

7 MR. BETTINI: Okay, thank you.

8 MR. TINGLEY: You're welcome. Sir?

9 MR. NELSON TEHAKIRIDES: Nelson
10 Tehakirides, Old Ansonia Road, actually 138. If -- seeing
11 this is a land-locked development access is only through
12 Seymour, transporting explosives, does Seymour have to
13 give permission?

14 MR. TINGLEY: I would say that he would
15 that he would also have to get a license to transport
16 through the Town of Seymour also, yeah. As soon as -- you
17 know, because you're -- well, I shouldn't say that. If he
18 doesn't stop he's okay. If he stops for lunch or
19 something like that in the Town of Seymour, he would have
20 to have a permit.

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1 Once they load that truck up, okay, he is
2 supposed to leave from wherever they're picking those
3 explosives up and go directly to the site with no stops.
4 So no, he wouldn't have to get that because he has a
5 permit to transport through the State of Connecticut when
6 you go through the office of the State Fire Marshal.

7 MR. TEHAKIRIDES: Do you know if like the
8 Town of Seymour would require a police escort for this
9 vehicle?

10 MR. TINGLEY: I would tend to doubt it. I
11 mean, these vehicles are placarded and they're traveling
12 throughout the state all the time. It's only if he was
13 going to stop in that town, then it becomes a problem. I
14 mean, he can't even -- he can't load up for the day and
15 come to my office to get a permit and then go to the site.

16 He has to come to my office and then go back and get
17 whatever explosives he's going to start that day and then
18 go to the site. The State is extremely strict about that.

19 MR. TEHAKIRIDES: If he did violate that,
20 this step, what kind of powers do you have for

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1 enforcement?

2 MR. TINGLEY: I can get -- I don't -- I
3 can pull his permit right then and there and I would turn
4 him over to the State and then the State has the right to
5 pull his blasting permit. They're not going to pull the
6 company's permit but they'll pull that particular
7 blaster's permit.

8 MR. TEHAKIRIDES: Right, thank you.

9 MR. TINGLEY: You're welcome.

10 CHAIRMAN FLAHERTY: Mr. Tingley, you have
11 office hours during the week also if folks --

12 MR. TINGLEY: Yes, I do.

13 CHAIRMAN FLAHERTY: -- here had a
14 question, they could always --

15 MR. TINGLEY: Oh absolutely, yeah.

16 CHAIRMAN FLAHERTY: -- feel free to --

17 MR. TINGLEY: I mean, my number is on the
18 website, it's in the blue pages in the phone book. I'm
19 out doing inspections -- you know, in and out of the
20 office all the time. However, I do have voicemail, I have

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1 a website. Feel free to either call, leave a voicemail,
2 you know, send something to me on an e-mail and I will
3 certainly get back to you. If you think of something
4 after the meeting tonight and you'd like it addressed, go
5 to the City's website and all that information is right
6 there.

7 CHAIRMAN FLAHERTY: And Mr. Tingley, I
8 thank you very much for coming here. Again, there were a
9 lot of questions about blasting. I sent a letter to Mr.
10 Tingley, he came and I really, really appreciate it. But
11 there's not going to be any blasting in this subdivision.

12 I don't want to skew the thoughts here,
13 I'm told there's no blasting and they did more test pits.
14 So there is supposed to be no blasting but thank you very
15 much Mr. Tingley.

16 MR. TINGLEY: You're welcome.

17 CHAIRMAN FLAHERTY: I really appreciate
18 your coming.

19 MR. TINGLEY: No problem Mr. Chairman.

20 CHAIRMAN FLAHERTY: At least we know if at

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1 any time blasting takes place we'll have an idea of what's
2 going on.

3 MR. TINGLEY: And again, I urge you to get
4 in touch with me if you have any questions.

5 CHAIRMAN FLAHERTY: And if you have any
6 questions, certainly -- thank you Mr. Nesteriak, I
7 appreciate you waiting so the Fire Marshal could give a
8 short presentation.

9 MR. HOYLE: Mr. Chairman, just prior to
10 Mr. Nesteriak I'd just like to add that we have to
11 remember that there is a sewer line that has been
12 installed by the City approximately across two-thirds the
13 length of the property. I believe it's about eight foot
14 in depth and they generally have to excavate probably two
15 feet at least beyond that.

16 We know of no blasting that occurred at
17 that time. There's no signs of it on the premises and in
18 addition, the sewer line then went down -- straight down
19 to Gardner's Lane. And there's been no evidence. I mean,
20 I don't think anybody could guarantee there's not going to

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1 be blasting, but all our test tolls and the prior history
2 has indicated that it's extremely unlikely, anything that
3 we found.

4 CHAIRMAN FLAHERTY: Thank you counselor.
5 I just wanted to have the opportunity so everyone
6 understands --

7 MR. HOYLE: Oh, very helpful I think --

8 CHAIRMAN FLAHERTY: -- what's going on,
9 but I don't want to send the wrong message that I
10 anticipate blasting because I don't know -- you're telling
11 me there won't be any.

12 MR. HOYLE: Right. We can't guarantee it
13 either but based on everything we've seen we believe that
14 -- we see nothing to tell us that there will be.

15 CHAIRMAN FLAHERTY: But there was a
16 tremendous amount of concern --

17 MR. HOYLE: Exactly, yeah.

18 CHAIRMAN FLAHERTY: -- so I wanted people
19 to be aware. Thank you. Yes Mr. Nesteriak, would you
20 like to --

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1 MR. BRYAN NESTERIAK: Good evening, Bryan
2 Nesteriak, professional engineer. I can just quickly go
3 through what the changes in these plans are. They're
4 pretty moderate but just so if you guys haven't already
5 noticed, I'd like to just quickly go through. And then if
6 you want me to spend some time on the construction
7 sequence like you mentioned in the past meeting, I'd be
8 happy to do that as well. Did you want to go page by page
9 or just did you want me to go just a general review of
10 what was changed -- what was added?

11 CHAIRMAN FLAHERTY: Well, make the
12 presentation any way you want to and we'll -- I mean, we
13 can go page by page --

14 MR. NESTERIAK: I'll go through in just a
15 --

16 CHAIRMAN FLAHERTY: -- because I do have
17 some questions as it unfolds.

18 MR. NESTERIAK: Sure. Essentially, we
19 added in the proposed water line, the private water line
20 with the pump chamber. The majority of this can be seen

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1 on drawing 12-01. And essentially the water will be
2 brought up from Gardner's Lane to a pump house that's
3 located towards the top of the page of that plan. And the
4 main will be brought up to the street T-off and then each
5 individual house will be connected from that main.

6 CHAIRMAN FLAHERTY: And you have a letter
7 from the water company that I haven't had an opportunity
8 to read that says you have adequate water pressure and so
9 forth?

10 MR. NESTERIAK: That's right.

11 CHAIRMAN FLAHERTY: And you have two fire
12 hydrants?

13 MR. NESTERIAK: We have two fire hydrants,
14 that's correct.

15 CHAIRMAN FLAHERTY: And you also have a
16 30,000 gallon tank?

17 MR. NESTERIAK: We kept the tank in just
18 in case, but we may be able to take that out if the Fire
19 Marshal approves that. In addition, we've added a
20 sidewalk to the plan, same plan, because that was desired

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1 at the last meeting. And we've also added street
2 lighting.

3 CHAIRMAN FLAHERTY: Good, now that site
4 walk starts on the downhill side of Gardner's Lane on Lot
5 1?

6 MR. NESTERIAK: Correct.

7 CHAIRMAN FLAHERTY: And goes to Lot 4 --

8 MR. NESTERIAK: Then it will cross the
9 street --

10 CHAIRMAN FLAHERTY: -- then it crosses the
11 street and continues down the right-hand side?

12 MR. NESTERIAK: Down the left-hand --

13 CHAIRMAN FLAHERTY: I mean excuse me, the
14 left-hand side of the road?

15 MR. NESTERIAK: -- depends on which way
16 you're traveling obviously.

17 CHAIRMAN FLAHERTY: Down to Lot --

18 MR. NESTERIAK: Down to the cul-de-sac,
19 yeah.

20 CHAIRMAN FLAHERTY: To the cul-de-sac or

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1 around the cul-de-sac?

2 MR. NESTERIAK: It goes around -- a third
3 of the way around the cul-de-sac on Lot 15.

4 CHAIRMAN FLAHERTY: Okay. And that's four
5 foot wide?

6 MR. NESTERIAK: Four foot wide, yes.

7 CHAIRMAN FLAHERTY: I looked at the
8 detail, I just didn't notice the width.

9 MR. NESTERIAK: The detail is located on
10 sheet 20-01 --

11 CHAIRMAN FLAHERTY: Yeah.

12 MR. NESTERIAK: -- the bottom center,
13 concrete sidewalk.

14 CHAIRMAN FLAHERTY: Yeah, I just didn't
15 see the width of it.

16 MR. NESTERIAK: It says four feet right at
17 the top.

18 CHAIRMAN FLAHERTY: Okay.

19 MR. NESTERIAK: Is it there?

20 CHAIRMAN FLAHERTY: Oh, I have the wrong

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1 glasses on.

2 MR. NESTERIAK: We also added detail sheet
3 20-03 since we're back there, and that essentially is just
4 water details, technical details, the installation of the
5 water line. Any questions about those for now?

6 CHAIRMAN FLAHERTY: On the water line, you
7 have a pump house down here off of Gardner's Lane?

8 MR. NESTERIAK: Yes.

9 CHAIRMAN FLAHERTY: And is that an eight
10 inch water main or --

11 MR. NESTERIAK: That would be a six inch
12 --

13 CHAIRMAN FLAHERTY: -- six inch?

14 MR. NESTERIAK: -- six inch water main.

15 CHAIRMAN FLAHERTY: And you're going to
16 extend that down to the intersection of Gardner's and
17 Woodlawn Avenue?

18 MR. NESTERIAK: That's correct.

19 CHAIRMAN FLAHERTY: Then you're coming up
20 to a pump house?

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1 MR. NESTERIAK: Correct.

2 CHAIRMAN FLAHERTY: And do you know what
3 pressure will be at the hydrants and what pressure will be
4 at the individual homes?

5 MR. NESTERIAK: The pump house will be
6 designed for adequate pressure. That's essentially what
7 it is. We have preliminary designs, but all that's going
8 to have to be finalized. All that would mean is it's just
9 a larger horsepower pump if we need additional pressure.

10 CHAIRMAN FLAHERTY: And who will own that?

11 MR. NESTERIAK: The Association will --

12 CHAIRMAN FLAHERTY: And maintain it?

13 MR. NESTERIAK: -- the Association will
14 own and maintain the water line, the pump house and the
15 hydrants that go with it.

16 MR. MICHAEL BETTINI: Mr. Chairman?

17 CHAIRMAN FLAHERTY: Yes.

18 MR. BETTINI: Is that agreement between
19 the Association and the water company?

20 MR. NESTERIAK: If you -- I know you

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1 haven't had a chance to look at it but the letter itself
2 that the water company gave basically explains that
3 they're going to send one bill. They're going to send a
4 bill to the Association and then the Association will do
5 whatever they want with it, whether sub-bill or whatever,
6 but it's basically one end user that goes onto this
7 property and the Association would be responsible for
8 paying the fees associated with it.

9 CHAIRMAN FLAHERTY: How's that going to
10 work when you only have two houses built?

11 MR. NESTERIAK: I don't understand.

12 CHAIRMAN FLAHERTY: Well, the -- correct
13 me if I'm wrong, but I thought that Mr. Romano was going
14 to like build two houses and then if the market is such
15 he'll build a third or he'll wait for the market to
16 improve. So how does two houses maintain this pump house
17 and the water line and pay the water bill and everything
18 else?

19 MR. NESTERIAK: It would work like that,
20 it would be much like a Condo Association as the condos

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1 are sold. Mark Romano or whoever is the owner, whatever
2 entity is there, would own the remaining lots and they
3 would be a percentage of that Association.

4 So if the bill comes to the Association
5 and there's only two houses built, then they would pay
6 their respective portion. But whoever owns the rest of
7 the lots, which most likely would be Romano, he would be
8 responsible for those.

9 CHAIRMAN FLAHERTY: Does there have to be
10 a bond in place for that counselor?

11 MR. INGLESE: It would be whatever the
12 requirements are (indiscernible).

13 CHAIRMAN FLAHERTY: Okay, the water
14 company would determine what they would want if they had -
15 - okay.

16 MR. NESTERIAK: The water line would have
17 to be completely in and functional before you could get a
18 CO for the house anyway. And the plan is, we can get to
19 that later, is to have all the infrastructure in before
20 they sell the first house anyway.

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1 MR. JAMES TANNER: I just have a quick
2 question.

3 MR. NESTERIAK: Sure.

4 MR. TANNER: Why do you still have the
5 proposed wells still on the lot?

6 MR. NESTERIAK: That was a mistake, I'm
7 sorry.

8 MR. TANNER: Okay.

9 MR. NESTERIAK: Again, the power outage
10 and the mad rush --

11 MR. TANNER: I was just curious.

12 MR. NESTERIAK: -- we did miss a couple of
13 things, I'm sorry.

14 MR. TANNER: I'm just curious why they
15 were still there.

16 MR. NESTERIAK: Those will be taken off.
17 I see, they're already off they're -- just not on this
18 set.

19 MR. BETTINI: Actually Mr. Chairman --

20 CHAIRMAN FLAHERTY: Yes.

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1 MR. BETTINI: -- I actually have a
2 question for our engineer.

3 CHAIRMAN FLAHERTY: Go ahead.

4 MR. BETTINI: You know, we received a
5 letter from Mr. Stowe describing the drainage and the 24
6 inch pipe going into the 12 inch outlet. Have you looked
7 at that?

8 MR. FRED D'AMICO: Yeah, I did look at it.
9 I checked the calculations and I believe because of the
10 grade going down the hill, the actual pipe -- it appears
11 that the calculations show that a 15 inch pipe could
12 handle it. Down at the bottom in Gardner's Lane there is
13 an existing 12 inch pipe, which is basically -- now the
14 regulations require a minimum of 15 inch whether or not -
15 - even if it's only an eight inch pipe that could actually
16 handle -- that you only need an eight inch pipe to handle
17 the water.

18 Generally the regulations require it -- in
19 Ansonia as in other towns, minimum size 15 inch for
20 cleaning purposes. And I believe that the calculations

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1 show the 15 inch could handle it, I actually don't know
2 why it ended up being a 24 inch pipe, why it shows 24
3 inch. I don't believe the 24 inch pipe is necessary so I
4 don't think there will be a problem. He's not -- they are
5 not increasing the peak flow to the existing drainage pipe
6 the contention upon is that mitigating any increasing in
7 run-off.

8 MR. BETTINI: So you can put a 15 inch
9 pipe into a 12 inch pipe.

10 MR. BETTINI: The 15 -- there will be at a
11 manhole so at the manhole the change in size, it would be
12 fine. In the future if that pipe is changed later on, it
13 would be changed to at least a 15 inch pipe. But there's
14 -- again, I don't know and I don't know if Mr. Nesteriak
15 can answer it, why there was 24 inch pipe showing instead
16 of a 15 inch.

17 MR. NESTERIAK: It was essentially just
18 the factor of safety. We could get away with a 15 inch
19 pipe, we probably could get away with even less, a 12 inch
20 pipe, because the slope is adequate. But essentially I

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1 put in a 24 inch pipe just for non-clogging reasons. But
2 we can drop it down to a 15 inch pipe without a problem.

3 MR. BETTINI: So that kind of begs the
4 next question which is that I think the drawings are
5 showing that there's still going to be -- the yards still
6 have the drains in the yards -- the catch basins in the
7 yards for the runoff from the yards?

8 MR. NESTERIAK: Well, we have two separate
9 systems for each house. One is the roof drainage and one
10 is the footing drainage.

11 MR. BETTINI: Yup, okay, so we're still
12 going to have the roof drainage and we're still going to
13 be able to collect water inside the yards?

14 MR. NESTERIAK: Absolutely, yeah. Every
15 house will be outfitted with an underground storm drainage
16 system that will detain and allow the water to infiltrate
17 back in the ground. Footing drains we put into daylight,
18 however, again, we did test pits. We looked at the soils,
19 it is a dry site. I don't anticipate much water coming
20 out of these footing drains but that's the proper way to

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1 do it.

2 MR. D'AMICO: Right now you have all the
3 footing drains attached to the catch basins.

4 MR. NESTERIAK: No, I have the footing
5 drains going to level spreaders.

6 MR. D'AMICO: But how --

7 MR. NESTERIAK: I had some of the footing
8 drains --

9 MR. D'AMICO: -- on the up street --

10 MR. NESTERIAK: -- on the uphill side,
11 yes.

12 MR. BETTINI: The uphill side goes into
13 the --

14 MR. NESTERIAK: From 15 to 23 I have some
15 of them -- I have actually all of them connecting into the
16 drainage system, yes. However, the downhill side, those
17 are going to level spreaders.

18 MR. D'AMICO: Probably -- on the roof
19 drains, probably the overflows from the galleys it would
20 be a good idea to attach them to the catch basins too so

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1 there's no problems.

2 MR. NESTERIAK: If we design them with an
3 overflow. I could make them large enough so they don't
4 need it. It depends on the design at the time.

5 CHAIRMAN FLAHERTY: Okay, you can
6 continue.

7 MR. NESTERIAK: That goes for most of the
8 changes except for one we'll get to in a second. If you'd
9 like I'll go through the construction sequence and just
10 briefly go through what the anticipated sequence of events
11 will be. And there is a -- the actual sequence is located
12 on drawing 13-03, it's in the lower right-hand corner.

13 First phase, I call it just the initial
14 general phasing. We hold a preconstruction coordination
15 meeting many times. The Town officials will be there, the
16 City engineer, the zoning enforcement officer, others,
17 Fire Marshal maybe, and we just coordinate what's about to
18 happen, we figure out a schedule, talk about permitting.
19 Hopefully a lot of the permits that are needed are in
20 place by then. Install the construction entrance is

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1 number one. That way when we start bringing in vehicles
2 obviously nothing gets tracked out into the existing town
3 road.

4 We flag the limits of clearing essentially
5 through the road. Anything that we've done through phase
6 three, and we'll get to where phase three is, we do that
7 with a surveyor so that they know where to cut. And once
8 that's done we'll install the silt fence. Number five is
9 establishing a temporary staging area for any equipment to
10 be used. That's going to change probably throughout the
11 subdivision but that's very important in the beginning of
12 construction. Then we go in and we clear, clear the trees
13 that are needed for those first three phases. We're only
14 going to stump the areas that we're working in at the
15 time, so we'll get to phase one, two and three. We're
16 only going to stump in those areas.

17 CHAIRMAN FLAHERTY: So just to clarify it,
18 that's just about the entire site though that you're going
19 to clear?

20 MR. NESTERIAK: Outside of some of the

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1 house construction there's a good portion of the soils and
2 the infrastructure, but I would say maybe two-thirds of
3 the intended -- half to two-thirds of the intended limited
4 disturbance.

5 MR. BETTINI: Mr. Chairman.

6 CHAIRMAN FLAHERTY: Yes.

7 MR. BETTINI: I was under the
8 understanding you were going to put the road in in its
9 entirety to begin with.

10 MR. NESTERIAK: Well, we're getting to
11 that. We'll get to that.

12 MR. BETTINI: So when you go through
13 you're actually going to come in and cut down all the
14 trees along the roadway and pack it and pave it and put -
15 -

16 MR. NESTERIAK: The road is actually phase
17 three. The road is going to be the third thing that we do
18 and that's -- we'll get to that in just a second.

19 MR. BETTINI: Okay.

20 MR. NESTERIAK: The first thing we're

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1 going to do is install the pipe that goes from North
2 Prospect Street Extension down to Gardner's Lane. That
3 basically shortcuts any of the water off of the site and
4 into Prospect Street. Again, we're only going to strip
5 and stockpile the soil that we're using in that area. The
6 pipe goes in and then we stabilize what we can.

7 Phase two is to put in the -- what will be
8 the detention basin but it's going to be used as a
9 temporary sediment trap during construction and the bypass
10 swales up on top near North Prospect Street Extension.
11 That allows us to control any of the water that's coming
12 either on the site and through the site. Those soils are
13 going to be piped to the temporary sediment trap during
14 construction so that any soil erosion that may occur can
15 be controlled. After we get that done and stabilized then
16 we go into the road. Then we stump for the road, we rough
17 grade the road, we stockpile topsoil and any other
18 materials that are needed, we put in the infrastructure,
19 we connect all the storm drainage, we put in the water
20 line, we put in whatever sewer lines are needed. We also

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1 put in the laterals to the property lines for water and
2 sewer.

3 After we get all that done we can rough
4 grade the road, fine grade the road, put in the binder
5 course after the curbing of course, also the sidewalk may
6 be done during that time. That also could be done later.
7 And then topsoil and seed and stabilize what we can around
8 the road. That's when the house construction basically
9 will start. And the house construction will start
10 depending on demand obviously but we'll only put up as
11 many houses as the developer can afford.

12 MR. OSWALD INGLESE: Mr. Chairman, I have
13 a question.

14 CHAIRMAN FLAHERTY: Yes.

15 MR. INGLESE: Approximately 1.8 acres you
16 are setting aside as open space and the detention basin
17 essentially is going to go in that open space.

18 MR. NESTERIAK: Yes.

19 MR. INGLESE: It's going into one or two
20 lots or seven or nine or both. How much percentage of

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1 that open space would be altered by the construction of
2 the basin and the supporting land alterations, would you
3 say my guess of 75 percent is close?

4 MR. NESTERIAK: No, I think that's very
5 high.

6 MR. INGLESE: Very high, what did you
7 think it was going to be?

8 MR. NESTERIAK: Well I could -- if I knew
9 that question was coming I could have calculated it, but
10 just by looking at it I would say half if not less would
11 be --

12 MR. INGLESE: That's land clearance that
13 includes -- what I'm referring to is tree clearance --

14 MR. NESTERIAK: Touching.

15 MR. INGLESE: -- what's that?

16 MR. NESTERIAK: Just touching?

17 MR. INGLESE: Just touching.

18 MR. NESTERIAK: I'd say 75 percent is high
19 but probably maybe 60 percent. But the majority of that
20 will be vegetative and put back to a natural state.

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1 MR. INGLESE: I had another question.
2 What is the grade -- the finished grade of your roadway,
3 8.9 percent finished grade?

4 MR. NESTERIAK: I'm sorry?

5 MR. INGLESE: Have I read correctly by
6 seeing that 8.9 percent grade on the finished road?

7 MR. NESTERIAK: Is the maximum -- 8.8 is
8 the maximum.

9 MR. INGLESE: 8.8 is the maximum.

10 MR. NESTERIAK: That's right. It goes
11 from 8.8 down to 2.4.

12 MR. INGLESE: Okay. Did you calculate how
13 much land is going to be clear at the ridge top from the
14 cul-de-sac to commencement of the subdivision?

15 MR. NESTERIAK: How much land would be
16 clear cut as a result of just the subdivision and --

17 MR. INGLESE: Construction, yeah, and
18 subdivision.

19 MR. NESTERIAK: I don't have that off the
20 top of my head, no. Are you asking what the limited

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1 disturbance, how much disturbed area will be occurring?

2 MR. INGLESE: Yeah, right.

3 MR. NESTERIAK: I think it's just under 10
4 acres.

5 MR. INGLESE: Out of 13 acres?

6 MR. NESTERIAK: Something like that. It
7 might be less actually but that's a rough estimate.

8 MR. INGLESE: So all that 10 acres more or
9 less will be altered terrain am I correct?

10 MR. NESTERIAK: It will be worked on in
11 some degree, whether it be minimal --

12 MR. INGLESE: Manipulated in some portion.

13 MR. NESTERIAK: Not all of it will be
14 manipulated but will be worked on. I mean, it could be
15 just for staging areas, it could be for just passage of
16 vehicles or machines.

17 MR. INGLESE: Thank you.

18 MR. NESTERIAK: But again, that's not all
19 at once as we mentioned. That's what the phasing is for.

20 MR. INGLESE: When you say not all at

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1 once, I understand your staging. How do you envision the
2 timeframe to spread, over years, over months?

3 MR. NESTERIAK: No, I would think that
4 phase one through three, six months tops to get phases one
5 through three done.

6 MR. INGLESE: So in three months, four
7 months we would see a road finished?

8 MR. NESTERIAK: I think you'd see the
9 starts of a road.

10 MR. INGLESE: Paved first course, is that
11 what I might see?

12 MR. NESTERIAK: No, I mean the pavement
13 goes in probably at the end of phase three. So I would
14 think that in month four or five you'd see some pavement.

15 MR. INGLESE: Thank you.

16 CHAIRMAN FLAHERTY: You're going to put
17 the sedimentation basin in first so that you have a place
18 to put the water?

19 MR. NESTERIAK: That's the second thing
20 that we do after the storm drainage from North Prospect

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1 Street Extension is done.

2 CHAIRMAN FLAHERTY: So you're going to put
3 this pipe down. That's for second you're going to put the
4 swale in and then --

5 MR. NESTERIAK: Second, we put in the
6 basin.

7 CHAIRMAN FLAHERTY: -- to work your --

8 MR. NESTERIAK: Second we put the basin
9 in.

10 CHAIRMAN FLAHERTY: -- I mean the basin in
11 and then the swales and the piping to the basin.

12 MR. NESTERIAK: And that way we can direct
13 as needed to the basin to control any soil erosion that
14 may occur. There's a variety of temporary measures you
15 can see in the details and in the notes that will be
16 needed during construction.

17 CHAIRMAN FLAHERTY: I see you have reverse
18 benching.

19 MR. NESTERIAK: Ahum.

20 CHAIRMAN FLAHERTY: And I'm not sure --

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1 I'm looking at 11-01.

2 MR. NESTERIAK: Yup.

3 CHAIRMAN FLAHERTY: Now does that start on
4 lot 5 and go across to lot 6?

5 MR. NESTERIAK: No, it goes to 7.

6 CHAIRMAN FLAHERTY: Through Lot 7 -- to
7 Lot 7?

8 MR. NESTERIAK: Ahum.

9 CHAIRMAN FLAHERTY: Okay, and then are
10 these retaining walls here? Two retaining walls in Lot 7
11 to Lot 9?

12 MR. NESTERIAK: There are retaining walls
13 on 7 through 9, yes.

14 CHAIRMAN FLAHERTY: So 7, 8 and 9 and
15 they're about eight feet apart. How high are those walls?

16 MR. NESTERIAK: Maximum nine feet.

17 CHAIRMAN FLAHERTY: So they're engineered
18 walls.

19 MR. NESTERIAK: They will be, yes.

20 CHAIRMAN FLAHERTY: Do you have details of

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1 those?

2 MR. NESTERIAK: I have a standard detail
3 that's on drawing --

4 CHAIRMAN FLAHERTY: So they're all going
5 to be block?

6 MR. NESTERIAK: My design is for block
7 walls. If the contractor wants to do something different
8 like a pre-cast concrete wall or a poured in place
9 concrete wall we can always figure that out when he wants
10 to build it. But we can do a modular block wall with
11 these.

12 CHAIRMAN FLAHERTY: Okay so that wall
13 starts in half of Lot 7 --

14 MR. NESTERIAK: That's right.

15 CHAIRMAN FLAHERTY: -- and it goes through
16 to Lot 9 and there's two walls, two parallel walls about
17 eight feet apart so --

18 MR. NESTERIAK: Right, two eight foot
19 walls is better than one 16 foot wall obviously.

20 CHAIRMAN FLAHERTY: But they're parallel

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1 to each other.

2 MR. NESTERIAK: Parallel, correct.

3 MR. BETTINI: But they're nine feet high?

4 MR. NESTERIAK: At the highest point. The
5 wall will come down obviously once you get down to the
6 graded portion. But at the highest point they'll be nine
7 feet.

8 CHAIRMAN FLAHERTY: Now, is this a
9 retaining wall up on Lot 21 down to 20 -- through Lot 20?

10 MR. NESTERIAK: Yes, there's a retaining
11 wall there as well.

12 CHAIRMAN FLAHERTY: How high is that one?

13 MR. NESTERIAK: Again, maximum nine feet.

14 CHAIRMAN FLAHERTY: And there's only one?

15 MR. NESTERIAK: No, there's two on that
16 one as well.

17 CHAIRMAN FLAHERTY: Oh okay, so this is
18 another one right at line 280?

19 MR. NESTERIAK: Yup.

20 CHAIRMAN FLAHERTY: And that one also is

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1 about nine feet?

2 MR. NESTERIAK: At its highest point, yes.

3 CHAIRMAN FLAHERTY: And then is there also
4 a wall on Lot 23?

5 MR. NESTERIAK: Yeah, in the corner.

6 CHAIRMAN FLAHERTY: Is that two walls
7 again?

8 MR. NESTERIAK: No, that's only one wall.

9 CHAIRMAN FLAHERTY: The upper side or down
10 near where it says 290 there?

11 MR. NESTERIAK: No, that's just a contour
12 of 290.

13 CHAIRMAN FLAHERTY: That's a contour.

14 MR. NESTERIAK: Yeah.

15 CHAIRMAN FLAHERTY: So this other one is a
16 wall. How high is that one?

17 MR. NESTERIAK: That goes up to 10.

18 CHAIRMAN FLAHERTY: And then are there
19 also -- I'm assuming these are walls again. There's 19
20 through --

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1 MR. NESTERIAK: Yup.

2 CHAIRMAN FLAHERTY: -- down to Lot 15?

3 MR. NESTERIAK: Well, there's a wall that
4 goes from -- I guess it just touches 15 and it goes over
5 through 19, and then there's a small wall on Lot 15.

6 CHAIRMAN FLAHERTY: And there's two
7 parallel walls there?

8 MR. NESTERIAK: On 16 through 19 -- or 15
9 through 19.

10 CHAIRMAN FLAHERTY: You got 16, 17, 18,
11 19, there's two parallel walls?

12 MR. NESTERIAK: On 16, 17, 18 and 19, yes.

13 CHAIRMAN FLAHERTY: And how high are
14 those?

15 MR. NESTERIAK: Nine feet. Actually those
16 are eight feet.

17 CHAIRMAN FLAHERTY: Okay. And then is
18 this also a wall -- yeah, okay you have it marked here.
19 See, I couldn't see where those walls were flagged up here
20 or am I missing a --

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1 MR. NESTERIAK: There's a note on Lot 23,
2 there's a note on Lot 19 and there's a note on Lots 12 and
3 13.

4 CHAIRMAN FLAHERTY: Yeah, I see that. I
5 didn't see Lots 21 and 20 -- I didn't see on 20 and 21 --
6 20 and 21, I just --

7 MR. NESTERIAK: No, it's just on Lot 23.

8 CHAIRMAN FLAHERTY: Okay. Now this also
9 is a retaining wall on 13 around to 14, two of them?

10 MR. NESTERIAK: Yeah, it goes from 14 --
11 one wall goes to 12 and the other wall goes from 13 to 11.

12 CHAIRMAN FLAHERTY: And how high are
13 those?

14 MR. NESTERIAK: The majority of the walls
15 are eight feet and there's one section that's 10 feet.

16 CHAIRMAN FLAHERTY: Okay. Now are there
17 fences on top of those walls?

18 MR. NESTERIAK: There will have to be.

19 CHAIRMAN FLAHERTY: I'm sorry?

20 MR. NESTERIAK: There will have to be,

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1 yes.

2 CHAIRMAN FLAHERTY: I mean, they're not
3 shown --

4 MR. NESTERIAK: They're shown on the
5 detail.

6 CHAIRMAN FLAHERTY: Help me, where?

7 MR. NESTERIAK: Um, 20-01.

8 CHAIRMAN FLAHERTY: Okay, that's going to
9 be four foot high --

10 MR. NESTERIAK: Chain link fences or
11 alternative if a homeowner would like to see a different
12 fence, obviously that can be arranged.

13 CHAIRMAN FLAHERTY: This access way down
14 to the retention/detention temporary sediment basin.

15 MR. NESTERIAK: Ahum.

16 CHAIRMAN FLAHERTY: That looks like it's
17 about 15 percent?

18 MR. NESTERIAK: It's about that, yeah.

19 CHAIRMAN FLAHERTY: Is that going to hold
20 up with stone? Shouldn't that be paved, it's pretty

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1 steep?

2 MR. NESTERIAK: Well if it was a stone
3 driveway, a crushed stone driveway, it would hold up
4 better. Obviously if it was an asphalt it would maintain
5 a little better, so we can certainly change that.

6 CHAIRMAN FLAHERTY: Is that your thoughts?

7 MR. D'AMICO: I think anything over 10
8 percent should be paved or we'll have problems with it for
9 sure.

10 CHAIRMAN FLAHERTY: You have a trail that
11 goes from the end of that 15 foot slope over to --

12 MR. NESTERIAK: That's correct.

13 CHAIRMAN FLAHERTY: And that's six foot
14 wide?

15 MR. NESTERIAK: Yes.

16 CHAIRMAN FLAHERTY: And then it's
17 processed stone. It's stone?

18 MR. NESTERIAK: Processed stone, yeah.

19 CHAIRMAN FLAHERTY: You've added no play
20 areas or anything in this subdivision as --

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1 MR. NESTERIAK: We believe that --

2 CHAIRMAN FLAHERTY: -- I'm sorry?

3 MR. NESTERIAK: We believe that the access
4 to Stone Park would have been suitable for that.

5 CHAIRMAN FLAHERTY: Well, I'm thinking for
6 like a -- I don't know. You know, you have a pond down
7 there. I don't know if I'd let a five year old go down
8 there -- six year old, seven year old. I mean, if -- you
9 know, at what point do you feel safe having kids go near a
10 pond? And it's pretty restricted up here as to any place
11 to play, so we discussed it at the first hearing so you
12 haven't had any more discussions on putting some playscape
13 -- and the cul-de-sac doesn't cut it.

14 I mean, I understand everybody puts a --
15 so you haven't had any discussions on it.

16 MR. NESTERIAK: Well, we've had
17 discussions but we decided that --

18 CHAIRMAN FLAHERTY: You didn't want to put
19 --

20 MR. NESTERIAK: -- the access to the park

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1 -- I mean, the play areas down there would have been
2 suitable.

3 CHAIRMAN FLAHERTY: Okay go ahead,
4 continue. I interrupted.

5 MR. NESTERIAK: No, I was just answering
6 your questions.

7 CHAIRMAN FLAHERTY: No I know, go ahead
8 and continue though.

9 MR. NESTERIAK: Oh, okay. The only other
10 thing I want to point out is we did put in a preliminary
11 subdivision plan or an alternate subdivision plan, I'm
12 sorry, on drawing 5-02. And there's been some talks about
13 -- this essentially deals with the waiver that we're
14 asking. However, if you look at 05-02, this is an
15 alternate plan that shows a proposed roadway that can
16 connect from Castle Lane through to Granite Terrace.

17 And essentially, it continues -- the
18 majority of the subdivision is similar to what we had
19 before. However, there are two additional lots and we
20 would make it obviously a 30 foot roadway eliminating the

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1 need for the two waivers that we've asked for.

2 CHAIRMAN FLAHERTY: Where's Lot 16?

3 MR. NESTERIAK: That's a really good
4 point. I believe the computer program assumed that the
5 road was 16 so I'm sorry, it's one more lot.

6 CHAIRMAN FLAHERTY: Right, I see Lot 15
7 and I see Lot 17. I don't see Lot 16.

8 MR. NESTERIAK: Yup.

9 CHAIRMAN FLAHERTY: So 25 now becomes 24?

10 MR. NESTERIAK: 24, yeah. I apologize,
11 another mad rush sorry.

12 CHAIRMAN FLAHERTY: Am I correct or am I
13 not finding the rear lot or --

14 MR. NESTERIAK: They're all front lots.

15 CHAIRMAN FLAHERTY: Okay, so what I see --
16 so I'm correct then, there's no Lot 16.

17 MR. NESTERIAK: There's really no Lot 25.

18 CHAIRMAN FLAHERTY: Well yeah -- well, I
19 see Lot 15 and Lot 17 but I don't see Lot 16, so there's
20 no Lot 16.

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1 MR. NESTERIAK: They would need to be
2 renumbered.

3 CHAIRMAN FLAHERTY: And Lot 25 becomes Lot
4 24 I think, okay.

5 MR. NESTERIAK: Well, we just wanted to
6 show that this is an alternate to what we have proposed.

7 MR. INGLESE: Did you run a preliminary
8 center line profile on the thru road?

9 MR. NESTERIAK: Yes.

10 MR. INGLESE: Do you know what kind of
11 rates you got?

12 MR. NESTERIAK: Well, we can comply to the
13 Town standards. It hasn't been fully designed but it can
14 work. Essentially this was proposed back in the late 80's
15 with the original subdivision approval and it worked then.

16 MR. INGLESE: What was that?

17 CHAIRMAN FLAHERTY: I don't know. I have
18 no idea what it was. It's a disregard noise I think, it
19 didn't sound dangerous. And my cell phone is off tonight
20 just in case.

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1 MR. NESTERIAK: That essentially goes
2 through everything that I have so if there's any questions
3 I'll be happy to answer them.

4 CHAIRMAN FLAHERTY: Ozzie, do you have
5 anything? Fred?

6 MR. D'AMICO: Actually just in the
7 narrative, if you go back to the narrative.

8 MR. NESTERIAK: The construction sequence?

9 MR. D'AMICO: The yeah, construction
10 sequence.

11 MR. NESTERIAK: Sure.

12 MR. D'AMICO: I think if you look at phase
13 two where you have three and four, I think it's probably
14 just written backwards. It says install -- where it says
15 install storm water infrastructure from catch basin to
16 temporary sediment, I think it's probably -- you want to
17 go the other way around. You want to go from the downhill
18 upstream.

19 MR. NESTERIAK: Yeah.

20 MR. D'AMICO: And then the other -- which

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1 is minor. And then the other thing it says catch basin
2 12, that doesn't go to the detention pond that just goes
3 to the spreader right?

4 MR. NESTERIAK: Right, yeah. But once
5 that's stabilized that would be active, once it's
6 stabilized.

7 CHAIRMAN FLAHERTY: Twelve goes down to
8 the spreader here.

9 MR. NESTERIAK: To the long spreader yeah,
10 that we modified after Mr. D'Amico's comments.

11 CHAIRMAN FLAHERTY: Do you think that
12 there should be a drainage easement where that spreader
13 is? I mean, is that -- that goes right to the limit of
14 your -- does that go right to the limit of your property
15 or is that --

16 MR. NESTERIAK: It's a little bit off.
17 Essentially I don't believe it does because the whole
18 purpose of that spreader is to turn it back into sheet
19 flow like it does today. And I'm cutting actually the
20 amount of storm water that comes off in that watershed, so

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1 this is only going to replace what we've taken out and
2 it's turning it back into the flow that is there today.

3 CHAIRMAN FLAHERTY: But one would assume
4 that it would dissipate over no impervious surface here
5 and now you're concentrating it down here. Is that going
6 to go onto property that's not yours, that's all? I mean,
7 should --

8 MR. NESTERIAK: Well, the water that is
9 going there today will continue to go there today only
10 less. It's a means to turn flow back into sheet flow
11 rather than concentrate it and send it flying down the
12 mountain.

13 CHAIRMAN FLAHERTY: Also, do you have
14 plunge pools or anything in there to dissipate the energy
15 of the water as it goes down this hill?

16 MR. NESTERIAK: Plunge pools --

17 CHAIRMAN FLAHERTY: Or some kind of --

18 MR. NESTERIAK: -- many of the manholes
19 are drop manholes. Those will dissipate energy in itself.

20 CHAIRMAN FLAHERTY: So it will come in the

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1 top and out the bottom?

2 MR. NESTERIAK: Right, so it's got to
3 drop, basically come to a stop and then go on.

4 CHAIRMAN FLAHERTY: And where's the drop
5 manhole on catch basin 12?

6 MR. NESTERIAK: If you look at the first
7 manhole down, manhole 25 --

8 CHAIRMAN FLAHERTY: 25 --

9 MR. NESTERIAK: -- the invert comes in at
10 272 and it goes out at 264.

11 CHAIRMAN FLAHERTY: -- right. Then how
12 about -- and that's the only one.

13 MR. NESTERIAK: You're right, that is the
14 only one.

15 CHAIRMAN FLAHERTY: Perhaps there should
16 be another one?

17 MR. NESTERIAK: Well, once it gets to the
18 infiltration galley itself, the infiltration galley is a
19 24 by 48 inch galley that has a foot of stone underneath
20 it. The water is going to go through the galley and it

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1 won't be able to daylight until it gets to leave 18
2 inches. So it's going to run over about, I think it's 150
3 feet of stone, allow it to infiltrate back into the ground
4 and that in itself will act as an energy dissipation
5 device.

6 CHAIRMAN FLAHERTY: Wait a minute, here's
7 a manhole over here, MH-2.

8 MR. NESTERIAK: I'm sorry, which one?

9 CHAIRMAN FLAHERTY: I said I think there's
10 a manhole over here. Right here.

11 MR. NESTERIAK: Where?

12 CHAIRMAN FLAHERTY: Right in Lot 7.

13 MR. NESTERIAK: There's a manhole --

14 CHAIRMAN FLAHERTY: In that same pipe.

15 MR. NESTERIAK: -- yeah, there's a manhole
16 there.

17 CHAIRMAN FLAHERTY: Now that's only --
18 well that's 10 feet. Is that 10 feet deep, that manhole?
19 In other words, that should provide --

20 MR. NESTERIAK: That's five feet deep.

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1 CHAIRMAN FLAHERTY: Five feet, alright.

2 That should act as a --

3 MR. NESTERIAK: Well, and the leg before
4 that is only at one percent.

5 CHAIRMAN FLAHERTY: From -- okay.

6 MR. NESTERIAK: From manhole three to two.
7 It does pickup again to the infiltration spreader but it
8 will slow it down a certain amount up to the manhole.

9 CHAIRMAN FLAHERTY: Should there be a
10 reverse bench in the swale -- not the swale, excuse me,
11 the detention pond on the lower side?

12 MR. NESTERIAK: I don't believe so because
13 the only water that's going over it is from the detention
14 pond down. There's no watershed area to it.

15 CHAIRMAN FLAHERTY: Okay go ahead,
16 continue.

17 MR. NESTERIAK: Sure -- that's all I have.

18 CHAIRMAN FLAHERTY: Okay. This crusher, I
19 don't understand how this crusher handles these big
20 boulders. I mean, how do you -- I saw boulders that are

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1 as big as a truck. How do you get those --

2 MR. MARK ROMANO: Not every boulder will
3 be crushed.

4 MR. NESTERIAK: Do you want to get on the
5 --

6 MR. ROMANO: Mark Romano, Castle Lane
7 Developers. Not every large boulder will be crushed and
8 the ones that cannot fit into the crusher will be hammered
9 to bring down the size.

10 CHAIRMAN FLAHERTY: And what's a hammer
11 sound like? What does a hammer do?

12 MR. ROMANO: It hammers the stone. It's
13 like a giant jackhammer.

14 CHAIRMAN FLAHERTY: Oh, on a big machine
15 then like?

16 MR. ROMANO: Yes.

17 CHAIRMAN FLAHERTY: How long are these --
18 how many hours do you think you're going to run a hammer
19 and a crusher on this site?

20 MR. ROMANO: I think overall tops for two

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1 months but maybe a month up front, generate as much
2 product as we need and maybe a year later another month.

3 CHAIRMAN FLAHERTY: So this crusher will
4 be onsite for a month then it will be off for a year and
5 then it will come back on?

6 MR. ROMANO: Yeah, it's possible.

7 CHAIRMAN FLAHERTY: And what do you
8 normally run these crushers? What's the hour of
9 operation?

10 MR. ROMANO: 8:00 to 3:00.

11 CHAIRMAN FLAHERTY: And a crusher would be
12 running 8:00 to 3:00 and a hammer would be running 8:00 to
13 3:00.

14 MR. ROMANO: Not necessarily a hammer.

15 CHAIRMAN FLAHERTY: How big is this
16 crusher?

17 MR. ROMANO: Your standard rock crusher
18 that you would see around. It's portable, it's
19 transportable, it's on tracks --

20 CHAIRMAN FLAHERTY: Like city sifters and

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1 things, is that what you're talking about?

2 MR. ROMANO: Those are screeners too, you
3 could be thinking about a screener.

4 CHAIRMAN FLAHERTY: Yeah, that's -- is
5 that the size of this?

6 MR. ROMANO: Yeah.

7 CHAIRMAN FLAHERTY: Is it like the size of
8 a screener or bigger?

9 MR. ROMANO: The size of a screener. It's
10 on tracks. Like I said, we bring it there on a trailer.
11 It's not something we have to assemble, it comes all in
12 one piece. So it's small enough to get on the town roads.

13 CHAIRMAN FLAHERTY: Okay, and you
14 anticipate running that for a month eight hours a day?

15 MR. ROMANO: Seven, eight hours.

16 CHAIRMAN FLAHERTY: Okay. Heavy trucks
17 are going to be coming in. How are you going to handle a
18 heavy 18 wheeler and school buses?

19 MR. ROMANO: When you say handle I don't
20 understand how --

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1 CHAIRMAN FLAHERTY: Well, I mean you are
2 familiar with the roads.

3 MR. ROMANO: I'm sorry?

4 CHAIRMAN FLAHERTY: You're familiar with
5 the roads leading up to this.

6 MR. ROMANO: Yes.

7 CHAIRMAN FLAHERTY: In the area, in the
8 general area not just specifically this but -- you know,
9 within two miles around radius the roads are hilly and
10 curvy and pretty difficult to maneuver with school buses
11 and 18 wheelers. Have you considered starting your heavy
12 construction equipment later? I'm just saying did you
13 consider it?

14 MR. ROMANO: No, because a workday for our
15 guys, it starts at 7:00 a.m. But the crushers and stuff -
16 - I mean, if you put it -- we can always start it at 8:00,
17 but our guys, the little ones we have left, start at 7:00
18 a.m.

19 CHAIRMAN FLAHERTY: Okay.

20 MR. D'AMICO: The material is not going to

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1 be leaving the site, it's going to stay onsite?

2 MR. ROMANO: No, it's going to stay all
3 onsite, which does reduce --

4 MR. D'AMICO: I think that's what the
5 Chairman was worried about.

6 MR. ROMANO: Yeah.

7 MR. D'AMICO: I think it sounded like
8 you're going to have truck traffic leaving --

9 MR. ROMANO: No.

10 MR. D'AMICO: -- at 8:00 in the morning.

11 MR. ROMANO: No.

12 CHAIRMAN FLAHERTY: So you don't
13 anticipate truck traffic then, a lot of 18 wheeler
14 traffic.

15 MR. ROMANO: I don't think any 18 wheelers
16 -- the biggest -- during road construction the only thing
17 we plan on hauling in besides pipe material is really the
18 asphalt. We're going to make everything onsite and we
19 don't plan on taking anything offsite. We need everything
20 onsite to complete the road and there's no market offsite

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1 anyways.

2 CHAIRMAN FLAHERTY: Okay, thank you.

3 MR. ROMANO: Thank you.

4 CHAIRMAN FLAHERTY: Thank you Mr. Romano.

5 Do you have anything further -- Attorney Hoyle, do you
6 have anything further --

7 MR. HOYLE: I don't think at this time --

8 CHAIRMAN FLAHERTY: -- that you want to
9 present? Mr. Nesteriak, Mr. Romano, you're all set?

10 MR. ROMANO: Yes sir.

11 CHAIRMAN FLAHERTY: Okay Commissioners, do
12 you have anything at this time to -- any further
13 questions?

14 MR. D'AMICO: I just got a couple of
15 questions. On the pipe going downhill, I think it would
16 be better if you could -- especially the pipe that's
17 taking the drainage from North Prospect Street, if you
18 could put -- I think some of those aren't drop manholes
19 and it would be a good idea to make two or three of those
20 drop manholes so that -- especially the last couple of

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1 runs. You could slow that velocity down going into the
2 pipe.

3 MR. NESTERIAK: That wouldn't be a
4 problem. Manhole 11 is a drop manhole.

5 MR. D'AMICO: If you could make manhole 14
6 --

7 MR. NESTERIAK: Yeah, we'll make 14 --

8 MR. D'AMICO: -- 14 and 12,

9 MR. NESTERIAK: -- and probably 12 as
10 well.

11 MR. D'AMICO: Okay.

12 MR. NESTERIAK: Anything else?

13 MR. D'AMICO: And again, I think the
14 access strip should be paved going down to the detention
15 pond. And I don't know if it's necessary but the pathway
16 -- because that's also -- I think that's also a 10 percent
17 grade or steeper, that's going to be eroded too --

18 MR. NESTERIAK: Okay.

19 MR. D'AMICO: -- so it might be better
20 just to have that paved instead.

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1 CHAIRMAN FLAHERTY: Thank you.

2 MR. INGLESE: I have just one more
3 question. You put the sidewalks and tree planting, what
4 about lighting?

5 MR. NESTERIAK: There are lighting -- I
6 mean, we did put lighting on.

7 MR. INGLESE: Thank you, I have nothing
8 else.

9 MR. D'AMICO: There's also no typical
10 cross section of the road. Maybe I missed it in the
11 details.

12 MR. NESTERIAK: I believe that's 20-01,
13 upper left, typical roadway cross section.

14 MR. D'AMICO: 20-01, oh. Show me, I still
15 can't see it.

16 MR. NESTERIAK: Anything else?

17 CHAIRMAN FLAHERTY: Not at this time.

18 MR. NESTERIAK: Thank you very much.

19 CHAIRMAN FLAHERTY: I'd like to open up
20 the public session now. Anyone who has any questions,

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1 observations, feel free to come up.

2 MR. BILL GAMBINO: Good evening, Bill
3 Gambino, 131 Old Ansonia Road, Seymour. I was trying to
4 keep my composure. Mr. Romano, what means of -- I can't
5 get my words together now. Which way are you planning on
6 bringing your equipment in to your site? My biggest
7 concern is the traffic on Old Ansonia Road and the other
8 day there were 10 wheelers from another construction
9 company whipping down the road and we had to call the
10 cops, alright.

11 So what's your plans for how you're going
12 to bring all your equipment in? And I glance down the
13 road, you're going to have to definitely be bringing fill
14 in there without a doubt. I didn't step on your property
15 but I glanced down. I can't see that based on the houses
16 that were built on Castle Lane that they are nothing but
17 fill.

18 CHAIRMAN FLAHERTY: Sir, could you kind of
19 address the Chair --

20 MR. GAMBINO: Sorry, that they are nothing

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1 but fill and how he's going to be able to bring the
2 material. And my question is basically truck traffic and
3 which direction, how he was going to bring his equipment
4 in, up North Prospect, up that hill, or be coming down Old
5 Ansonia Road? Thank you.

6 CHAIRMAN FLAHERTY: Mr. Romano.

7 MR. ROMANO: Well, we have to turn down
8 Castle Lane so we won't be speeding where there's a stop
9 sign there, and we'll be driving down Castle Lane. But
10 again, it's not a lot of equipment Mr. Chairman. We bring
11 equipment in on one shot, most of it stays onsite until
12 we're done. Lumber trucks -- but again, they're going to
13 stop and drive down Castle Lane, they're not going to be
14 flying down that street.

15 Another reason we want to stick with a
16 cul-de-sac and not a cut-through, if the neighbors are
17 concerned about traffic with a cul-de-sac, with a cut-
18 through street we're going to be draining all of Seymour
19 down through Ansonia. That's why I proposed a cul-de-sac
20 and that will reduce speeds on the finished street. And

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1 right now currently there is no turnaround on Castle Lane.

2 Fire trucks cannot turn around. We are supplying them
3 with a cul-de-sac.

4 CHAIRMAN FLAHERTY: So you anticipate
5 coming in Castle Lane.

6 MR. ROMANO: Yes.

7 CHAIRMAN FLAHERTY: Okay.

8 MR. ROMANO: I can go through Granite
9 Terrace but I think it would be --

10 CHAIRMAN FLAHERTY: That was his question
11 --

12 MR. ROMANO: Yeah.

13 CHAIRMAN FLAHERTY: -- where you
14 anticipate coming in.

15 MR. GAMBINO: It wasn't my question. I
16 know he's coming in Castle Lane, question is he's going to
17 be coming up North Prospect or is he going to come in with
18 his equipment and the fill that I know he's going to be
19 bringing in, down Old Ansonia Road. That can't handle the
20 truck traffic and the traffic now. That's my problem with

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1 it.

2 MR. ROMANO: I'm not sure of the streets
3 he's mentioned. I know Old Ansonia Road --

4 CHAIRMAN FLAHERTY: Will you be coming up
5 the hill from -- will you be coming through Seymour in or
6 will you be coming through the center of Ansonia and up
7 there?

8 MR. ROMANO: It depends on whatever
9 deliveries, which way they want to come. I'm not going to
10 be delivering anything. I'm not --

11 MR. EDWARD MUSANTE: You should tell them
12 which way they gotta come.

13 CHAIRMAN FLAHERTY: Okay, thank you Mr. --
14 I think it depends on where the --

15 MR. MUSANTE: -- (Indiscernible).

16 CHAIRMAN FLAHERTY: -- sir, you're out of
17 order. I think it depends on where the delivery would be
18 coming from. I think if it was coming like Seymour, I
19 would assume that they would come that way. If it was
20 coming from the other way I would make the assumption that

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1 it would probably come up the hill through Ansonia.

2 MR. GAMBINO: The reason I bring that up
3 is because there's a bus stop right on the corner of
4 Castle Lane and Old Ansonia Road and there's also a bus
5 stop at Rockwood Avenue by the green house, if that's the
6 right road I have right there, my daughter and my son get
7 on.

8 CHAIRMAN FLAHERTY: You -- yes, I
9 understand your concern. Okay, is there anything else
10 sir? Mr. Musante, you're first on the list. Now you're
11 in order Mr. Musante.

12 MR. MUSANTE: Hi, Edward Musante, 138B Old
13 Ansonia Road, Seymour. I feel that the children are going
14 to be walking a mile and a half up Castle Lane, up Old
15 Ansonia Road, down to Elaine Drive to get a bus, okay.
16 And then another thing, Fire Truck No. 7 is not going to
17 be able to make that left-hand turn. It always was proved
18 -- shown that Ladder 7 will not be able to make a left-
19 hand turn coming from Ansonia coming down because they're
20 going to have to widen either way and who's going to pay

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1 for that, them or the Town?

2 And the schools, right now they're
3 overcrowded. You're going to put more kids in schools,
4 where you going to start putting them in the hallways?
5 Alright --

6 MR. BETTINI: Mr. Musante --

7 CHAIRMAN FLAHERTY: Mr. Musante --

8 MR. BETTINI: -- I just want to clarify,
9 are you talking about the end of Castle Road that won't
10 handle the fire truck turn?

11 MR. MUSANTE: The beginning of Castle Lane
12 because I'm in the middle of Castle Lane and I showed the
13 Fire Chief and it's a narrow -- Ladder 7 is no way and
14 shape going to make a turn to go in there, how wide --
15 it's showing 22, down the back is 38. It was measured.

16 MR. BETTINI: Okay Fred, does that arc
17 make sense or maybe we need Jarrod to validate the
18 turnaround radius of the fire truck.

19 MR. D'AMICO: We could actually try the
20 truck. We've done that on another case where we actually

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1 brought the truck up there to see if it would bottom out
2 or make the corner.

3 MR. BETTINI: Yeah, maybe we should.

4 MR. MUSANTE: Ladder 7 will never be able
5 to make that turn. That road is not able to handle two
6 cars coming and one going the other way. A snowplow has
7 to pull on a bank going out when there's snow out there.
8 That road is narrow. When you get down to Ansonia, then
9 it's wider.

10 MR. BETTINI: And one other question Mr.
11 Musante, since I don't live there where exactly is the
12 school bus pickup?

13 MR. MUSANTE: They're going to have to go
14 down to Elaine Drive. All Prospect Street Extension, they
15 walk all the way down to Prospect Street --

16 MR. BETTINI: All the kids from Castle
17 Lane turn around and walk all the way up --

18 MR. MUSANTE: -- well, the ones on Castle
19 Lane now, they're gone. They're all out of high school or
20 whatever. There's no more there.

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1 MR. BETTINI: There's no more there, okay.

2 MR. MUSANTE: Yeah, there is no more --

3 MALE VOICE: There's a junior high right
4 on the corner of Castle Lane.

5 MR. BETTINI: There's a pickup on the
6 corner of Castle Lane?

7 MALE VOICE: That's for Seymour.

8 MR. MUSANTE: That's for Seymour, yeah
9 that's for Seymour. That's right at the end of Castle
10 Lane, that's Seymour/Ansonia. Castle Lane ends down on
11 house 25, okay.

12 MR. BETTINI: Yup.

13 MR. MUSANTE: And a bus won't be able to
14 make it in there.

15 MR. BETTINI: Okay, thank you sir.

16 CHAIRMAN FLAHERTY: Thank you Mr. Musante.
17 Did you have information on Fire Truck 7?

18 MR. EDWARD ADAMOWSKI: Yeah, over here or
19 --

20 CHAIRMAN FLAHERTY: If you could.

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1 MR. ADAMOWSKI: Hi, I'm Assistant Fire
2 Chief Edward Adamowski. I did meet with Mr. Musante a
3 couple of weeks ago. The ladder truck I believe is
4 approximately 464 to 48 feet long. I do not believe
5 without checking it myself that it will make the left-hand
6 turn on to Castle Lane as the road sits now. It kind of
7 angles back.

8 I don't know if that would change with the
9 drawings or not. We would end up actually probably having
10 to go down to the next right or backing down Castle Lane,
11 would be the two options that we would have.

12 CHAIRMAN FLAHERTY: Okay.

13 MR. ADAMOWSKI: I believe the engines
14 would make it down there no problem but the ladder truck
15 is significantly longer, so.

16 CHAIRMAN FLAHERTY: Okay, thank you Chief.
17 Nelson Tehakirides.

18 MR. TEHAKIRIDES: Nelson Tehakirides, 138
19 Old Ansonia Road. I'm on the southern corner of Old
20 Ansonia Road and Castle Lane. There are three properties,

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1 I'm on the southern side so this fire truck would have to
2 turn left from my property. In the detailed discussion
3 they talked about the width of the road but I'm assuming
4 that's in the developed area that they're proposing. What
5 about the width of the road where Castle Lane joins Old
6 Ansonia Road?

7 I had mentioned before that --

8 CHAIRMAN FLAHERTY: Fourteen feet or 17
9 feet?

10 MR. TEHAKIRIDES: It's 17 and a half feet
11 that I measured to the existing curb. Now I had talked to
12 the Valley Health, I had mentioned this at the previous
13 meeting, and they said more than likely if the Town takes
14 their right-of-way they would disturb the northern part of
15 my property which borders on Castle Lane. They would have
16 to cut that whole bank. And in this proposal are they
17 proposing a retaining wall for my property? Also if they
18 disturb the leaching fields which are right on that bank,
19 the Health Department says that they would have to bring
20 it up to code, which would mean tying me into the existing

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1 sewer line of Castle Lane which is about 200 feet from my
2 property because the house behind me had to tie in before
3 they could sell their house.

4 So there is an existing line that they
5 discussed about the depth of the sewer line and the
6 blasting in relation to that. So those are my two
7 concerns, the retaining wall and the width. Okay, and now
8 if they change the width of Castle Lane in this area up by
9 the Seymour portion, there are high tension lines and
10 street lights on the north side of the street. Would they
11 be moved? That's got to be considered because if you
12 widen that road you're going to have to extend the road on
13 both my side and the other person's property and move the
14 telephone poles and all that.

15 Last meeting the developer mentioned that
16 because of the concerns of the wells he would provide city
17 water through his own private means. On the surface that
18 sounds very good but I'm wondering about the financial
19 involvement in that. What kind of a cost was projected,
20 was that submitted to you for consideration because if

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1 he's got a typical builder's mortgage from a bank, he's
2 got so many thousands of dollars or hundred thousand
3 dollars for the properties. Now he's adding on a pumping
4 station and all that, that's considerable cost. Is this
5 part of the initial bonding or loaning or is this
6 additional and does he have the resources to carry
7 something like this because he talks about a Homeowners
8 Association.

9 And you mentioned that if he sells two
10 houses what is the cost, and he said it would be prorated
11 among the existing property owners and the ones that are
12 vacant. But in the meantime, if there's only two houses
13 he's going to carry the substantial burden of that cost
14 for that pumping station and everything else. And I think
15 it behooves you to know, is he financially capable of
16 carrying a load like that? That's my main concern because
17 otherwise, he's going to go bankrupt. That's my concern.

18 If you could hopefully in the process answer those
19 questions.

20 CHAIRMAN FLAHERTY: We involve ourselves

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1 with bonding to cover any liability that the City might
2 face. I'm assuming he has private funding from banks or
3 something and, you know, that's kind of their job.

4 MR. TEHAKIRIDES: Yeah, I know but seeing
5 --

6 CHAIRMAN FLAHERTY: Our job is to -- I
7 don't know if he'll go bankrupt. I have no idea. Our
8 concern with the utilities would be to have bonding in
9 place, which is set by the City engineer so that in the
10 even that he does default on his loans and so forth then
11 there would be bonds in place to finish those things that
12 the City of Ansonia would be responsible for.

13 So that's set, but I have no idea what his
14 finances are. You know, I don't know of a mechanism that
15 this Commission can have. You've voiced a concern and --
16 you know.

17 MR. TEHAKIRIDES: Right, but from one
18 meeting to the next all of a sudden he proposes he's going
19 to assume -- he's going to assume the burden of this
20 pumping station and the piping and all that, that's a

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1 considerable amount of money. That is a -- sheds a
2 different light on the whole proposal, whether it's even
3 feasible to start it or not.

4 CHAIRMAN FLAHERTY: Well -- if I could
5 just interrupt and I really haven't had an opportunity to
6 reflect on this because I'm getting information as you,
7 and I haven't read the submittals but I think someone said
8 that would be between him and the water company but I'm
9 not sure. But that's a good question and if bonds are
10 required or something, I'm not sure.

11 Counsel sits up there and he will check
12 that out for us. Those are things -- those are the type
13 of questions that are legal questions that some of it is
14 even out of Planning & Zoning's purview and then some of
15 it would be covered with bonds and our counsel would make
16 that determination and our plan. But your concern is
17 noted in the minutes of the meeting sir.

18 MR. TEHAKIRIDES: Okay, thank you Mr.
19 Chairman.

20 CHAIRMAN FLAHERTY: Yes sir. Okay,

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1 Deborah Hyden.

2 MS. DEBORAH HYDEN: Hyden.

3 CHAIRMAN FLAHERTY: Hyden, my apologies.

4 MS. HYDEN: That's okay. Deborah Hyden of
5 103 North Prospect Street Extension, Ansonia. I lived in
6 my house for 33 years so the wells, the streets, all that
7 I'm very familiar with. What I'd like to add, this
8 project is not being brought in to beautify our
9 neighborhood, that's obvious. It's not being brought in
10 to boost our City's economic value, that's very obvious.

11 This month 28,000 more homes went into
12 foreclosure in Connecticut. This is not necessary
13 housing, that's very obvious. We're hoping there's
14 something somewhere that allows you to make your decision
15 on what's right for Ansonia people and the City and this
16 is just not right. This project is going to harm us, it's
17 just not right. Thank you.

18 CHAIRMAN FLAHERTY: Thank you. Deidre
19 Stowe.

20 MS. DEIDRE STOWE: Good evening, how are

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1 you?

2 CHAIRMAN FLAHERTY: Well thank you, and
3 yourself?

4 MS. STOWE: Good.

5 CHAIRMAN FLAHERTY: My congratulations to
6 your husband on his recent election.

7 MS. STOWE: Thank you, yeay. Thank you.

8 CHAIRMAN FLAHERTY: Now the mantle of the
9 responsibility falls heavily upon his shoulders.

10 MS. STOWE: I have my Nancy Regan suit and
11 will stand adoringly next to him. So I just wanted to say
12 that -- state for the record that the developer refused to
13 have the Kings Mark study done and I don't know what the
14 reasoning was but it was for free and they would provide a
15 third party review of the plan and so I just wanted to
16 bring that to everyone's attention.

17 And the next thing is that this is the
18 letter that my husband sent earlier and it was about
19 disturbing 10 acres and that if 10 acres of the 13 acre
20 property were to be disturbed they would have to submit

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1 that plan to the State. And then finally, I have a letter
2 from my attorney talking about the ownership of the right-
3 of-way and so I don't -- it's a quite long letter so I
4 don't want to read it but I'll give it to you for the
5 record.

6 CHAIRMAN FLAHERTY: Sure.

7 MS. STOWE: And so the disputed right-of-
8 way according to our attorney belongs to my husband and
9 myself so they could not go through Granite Terrace as
10 they are proposing. And the slope rights have expired
11 from the deed, so the slope rights on our property also
12 have expired so they could not do that either.

13 CHAIRMAN FLAHERTY: Okay, thank you Mrs.
14 Stowe. That's all on the --

15 MS. STOWE: Okay, it's all in the letter.

16 CHAIRMAN FLAHERTY: -- record and it's
17 also -- those will be put on file and your comments are on
18 the record for the public hearing.

19 MS. STOWE: Very good, thank you.

20 CHAIRMAN FLAHERTY: Okay, Billy Gambino.

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1 MR. GAMBINO: I've already spoken, thank
2 you.

3 CHAIRMAN FLAHERTY: Oh I apologize, okay.

4 MR. GAMBINO: It's okay.

5 CHAIRMAN FLAHERTY: Jesus Cortez.

6 MR. JESUS CRUZ: Cruz.

7 CHAIRMAN FLAHERTY: Cruz.

8 MR. CRUZ: How you doing?

9 CHAIRMAN FLAHERTY: I'm doing good
10 tonight, how are you doing tonight?

11 MR. CRUZ: I'm doing fine. Jesus Cruz, 25
12 Castle Lane, Ansonia, Connecticut. First I'd like to
13 start off by answering your question from before about the
14 bus stops for the kids. There is a bus stop on the corner
15 of Old Ansonia Road and Castle Lane. That belongs to
16 Seymour.

17 My daughters I took to school for the
18 whole 12 years they went to school here because they would
19 have had to walk down Castle Lane, up North Prospect
20 Street Extension, down the hill to Rockwood for the

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1 grammar school and for the middle school. And for the
2 high school, they would have had to keep on going down
3 North Prospect Street Extension down to where the old PJ's
4 was -- you know, that little store there. In front of
5 there, that was the pickup for the high school. The
6 elementary and the middle school from my house was about
7 an eighth of a mile for kids to walk. And for the high
8 school --

9 MR. BETTINI: Could you just describe that
10 path for me one more time?

11 MR. CRUZ: Down Castle Lane, make a right
12 onto Prospect Street --

13 MR. BETTINI: And then go down --

14 MR. CRUZ: -- that's where Old Ansonia
15 Road begins with Prospect Street.

16 MR. BETTINI: -- right there okay, yup.

17 MR. CRUZ: -- up that hill, around the
18 bend and down the bend and down the hill to Rockwood
19 Avenue and Prospect Street. That's where the bus stops
20 for the elementary and the middle school. Okay, so that's

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1 for elementary and middle school, okay. For the high
2 school, they would have to keep on going down North
3 Prospect Street all the way down to where it comes to
4 Woodbridge Avenue right there, cross the street and stand
5 in front of the old PJ's there to pick up the high school
6 bus. That's the walk.

7 We fought about that and wondered why the
8 school wouldn't pick them up but they said there wasn't
9 enough people up that way to come up to Old Ansonia Road -
10 - I mean up to Castle Lane to pick them up. I don't know
11 if that would change depending on how many kids would be
12 in this development or not but again, they would have to
13 go into Seymour and come back. Right now that's what the
14 walk is. My concerns are, and I wasn't planning to speak
15 today but I just had a couple of questions about their
16 statements today, they said it would take three to six
17 months of construction for the road to be made. I guess
18 on the third level of their construction plan the road
19 would be made before they start construction of the
20 houses.

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1 My question is, as soon as that road is
2 constructed, it's paved and whatever, does that become
3 part of the City property and if not who's going to be
4 responsible for the security of that street while they're
5 doing construction? And at this point he's only going to
6 do two houses. I'm assuming they're going to be up at the
7 top of the hill. I don't know where he'll start but
8 there's going to be a substantial part of this street
9 that's going to be empty for a year, two years or whatever
10 time it takes them to sell these houses and build the rest
11 of them and keep on going. So that's my concerns, who's
12 going to handle security.

13 If it becomes part of the City property
14 then of course I guess Ansonia police will go down there,
15 okay. But if it's not, what kind of security is he going
16 to provide because I know as soon as street is run it's
17 going to attract the kids who want to go and smoke, hang
18 out, race, do whatever at the end of the street especially
19 if there's nobody around to control it. And by the time
20 Ansonia PD gets up there, you know, who knows what will

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1 happen. I've lived on Castle Lane for going on 15 years
2 now. I can count on one hand the amount of times I've
3 seen a police car from Ansonia patrol it without being
4 called up there because they don't -- some of the police
5 officers don't even know that Castle Lane belongs in
6 Ansonia.

7 CHAIRMAN FLAHERTY: Well it would -- if
8 it's Ansonia property the responsibility would be the City
9 of Ansonia.

10 MR. CRUZ: Right, okay.

11 CHAIRMAN FLAHERTY: Even right now as we
12 speak, it would be a Police Department problem if there
13 was any issues going on there.

14 MR. CRUZ: Right.

15 CHAIRMAN FLAHERTY: The road itself
16 wouldn't be owned by the City of Ansonia until the Board
17 of Aldermen accept it as a city street, or not. I mean,
18 there's nothing that says that they have to accept it.

19 MR. CRUZ: Okay.

20 CHAIRMAN FLAHERTY: I've never heard of it

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1 but the Board of Aldermen accepts and names the roads, so
2 it wouldn't be owned by the City. However, anything
3 within the City boundary would be the responsibility of
4 the Police Department to take care of anything that's
5 going on.

6 MR. CRUZ: Okay, so you couldn't require
7 him to maybe close it off when he's not there doing
8 construction, I mean for his own safety as well as ours,
9 because you're going to have kids going down there, there
10 is equipment -- I mean, it's desolate down there. If
11 there's nobody there --

12 CHAIRMAN FLAHERTY: Well, I'm assuming
13 that -- logic tells me that if I had equipment down there
14 and it was kind of a deserted area --

15 MR. CRUZ: -- some sort of security --

16 CHAIRMAN FLAHERTY: -- I'd put a barrier
17 across the road --

18 MR. CRUZ: Right.

19 CHAIRMAN FLAHERTY: -- to -- but that's
20 not -- a kid could still walk down there.

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1 MR. CRUZ: Right.

2 CHAIRMAN FLAHERTY: You know, I haven't
3 seen any barrier yet built that a kid could not knock
4 over.

5 MR. CRUZ: Right.

6 CHAIRMAN FLAHERTY: But I mean as far as
7 driving down, I would assume if I was a developer I'd put
8 a barrier on it until the thing was completed. I'm
9 assuming.

10 MR. CRUZ: Okay. Alright, the other thing
11 I wanted to know is he said that nothing is going to be
12 leaving the property. He's going to take all the rocks,
13 he's going to crush everything, everything is going to be
14 produced down there. I'm wondering what he's going to do
15 with the lumber, the trees that he cuts down.

16 Is he going to mill that to use the lumber
17 in the construction or is he going to sell that and have a
18 truck come in and take the logs away? When they did the
19 two houses in front of me and they clear cut that whole
20 woods they brought in three trucks, this was on the

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1 Seymour side, to haul away all the lumber. So I'm
2 assuming that that's what's going to happen here. Now,
3 last week he went down to drill his holes. He brought in
4 a flatbed tractor trailer and parked it down at the end of
5 the street with his truck. While he was down there I
6 walked down to the end of the street, you can barely get
7 one car past that tractor trailer which was parked off to
8 the right on the street there, okay.

9 So I know that he's probably going to
10 stage his equipment on his property, or I would assume so
11 because that street there, there's no parking on there.
12 So that means nobody should be, even commercial vehicles,
13 should be on that street. I'm assuming he's going to be
14 staging that but these tractor trailers, if he's going to
15 sell this wood or he's going to move it off the property
16 are going to have to stop some place and be coming in and
17 out. So those are the questions I'd like an answer to.

18 CHAIRMAN FLAHERTY: Well, I'm sure if
19 there's valuable lumber he would harvest the lumber to
20 sell.

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1 MR. CRUZ: Right.

2 CHAIRMAN FLAHERTY: But I'm not that
3 familiar if there's any big trees or if it's mostly new
4 growth. I can't make that call but I could ask Mr.
5 Romano. Do you intend to do much logging Mr. Romano? Is
6 there much available wood or --

7 MR. ROMANO: No, the majority of trees are
8 too small to harvest. They'd be chipped all up and reused
9 as wood chips onsite.

10 MR. CRUZ: Alright, thank you very much.

11 CHAIRMAN FLAHERTY: Does that answer your
12 question sir?

13 MR. CRUZ: Yeah it does, thank you.

14 CHAIRMAN FLAHERTY: Okay, thank you Mr.
15 Cruz. Vicki Sheer, Shier.

16 MS. VICKI SHEER: You were right, it's
17 Sheer.

18 CHAIRMAN FLAHERTY: Sheer, good evening.

19 MS. SHEER: Hi.

20 CHAIRMAN FLAHERTY: How are you tonight?

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1 MS. SHEER: Good, how are you?

2 CHAIRMAN FLAHERTY: I'm good thanks.

3 MS. SHEER: I live at 85 Rockwood Avenue
4 Extension in Ansonia and I just -- this whole thing is
5 very distressing as you can tell to the neighborhood. It
6 will have such a huge impact and change on the character
7 of the neighborhood as well as the safety of everyone
8 involved with -- because of all the traffic. And I was
9 reading some of the reports that were in your files and I
10 don't understand why we would allow against -- why you
11 would grant the waivers if you could explain? Like why we
12 would give them to be able to build a longer street and
13 totally disrupt the neighborhood for maybe 10/15 years.

14 I don't know what grounds we -- because
15 you would -- I guess I want to know what the grounds that
16 you use to do that.

17 CHAIRMAN FLAHERTY: The State allows --
18 State statute allows Planning & Zoning Commissions to
19 waive certain regulations such as the length of the road.
20 First, let me preface anything I say with we haven't done

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1 anything.

2 MS. SHEER: No, I just want to understand
3 the process.

4 CHAIRMAN FLAHERTY: Understand that this
5 is -- even though this has been going on a long time,
6 these are public hearings where they explain what they're
7 going to do and the public is giving us information on the
8 neighborhood. We haven't begun our deliberations yet.

9 When we close the public hearings we have
10 65 days, so we haven't done anything yet. But the ability
11 to grant waivers comes from the State statutes and State
12 regulations. Ozzie, you probably would be better to
13 explain it than I.

14 MR. INGLESE: The State statutes, which is
15 the authority at the State level that grants this
16 Commission the powers to do things, allows Planning
17 Commissions to grant waivers of subdivisions --
18 subdivision regulations, this book that we have here. And
19 it requires a three-quarters vote of all the members of
20 the Commission to grant the waiver but only after a

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1 criteria that is in the statute and that is in the
2 subdivision regulations is met.

3 And they have not done that yet because
4 they are still in the process of being persuaded to do it,
5 okay. So they have not done that because the subdivision
6 hasn't been finished. But that's a prerogative of the
7 Commission that it has, to grant waivers, okay.

8 MS. SHEER: Okay.

9 CHAIRMAN FLAHERTY: Of State statute.
10 Everything we do comes from State statute.

11 MS. SHEER: Thank you.

12 CHAIRMAN FLAHERTY: Not from local
13 regulations or ordinances. We're like an arm of the State
14 of Connecticut rather than other Boards or Commissions in
15 the community.

16 MS. SHEER: Okay, I didn't mean to -- I
17 just don't understand. I'm new to -- I've been coming to
18 these meetings but I just was trying to understand the
19 process.

20 CHAIRMAN FLAHERTY: No, that's fine.

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1 MS. SHEER: So thank you.

2 CHAIRMAN FLAHERTY: I mean, did we clarify
3 it or?

4 MS. SHEER: Yeah, that helped.

5 CHAIRMAN FLAHERTY: Okay.

6 MS. SHEER: And I don't know what else
7 anybody can say to clarify anymore. I think you
8 understand how distressing it is to everyone especially
9 because it seems like this is such a long-term thing too.
10 It's not like it's going to just take a few months or even
11 a year but this has a potential for going on 15 or more
12 years depending on the market. And with all the empty
13 houses, it's just very distressing.

14 Plus the whole -- just losing the space
15 and from what I've been reading with the open space and so
16 much of it being taken by that pond, there just won't --
17 it's just going to be so disruptive to the area. So
18 anyway, thank you.

19 CHAIRMAN FLAHERTY: Thank you very much.

20 Ms. Lee -- Heather.

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1 MS. HEATHER LEE: Good evening.

2 CHAIRMAN FLAHERTY: Good evening.

3 MS. LEE: Heather M. Lee, 102 North
4 Prospect Street Extension. I'm aware that Mr. Romano is a
5 businessman, he's out to make a living. But we are
6 looking at a room that is jammed filled with homeowners
7 and taxpayers that adamantly do not want their
8 neighborhood changed to the point that 24 more houses and
9 traffic and the disruption -- and I realize he owns this
10 property now, but we all -- I've been there almost 30
11 years and we have a very close-knit neighborhood. People
12 that care about each other. And it's not going to be the
13 same when you put a project on little bitty lots with all
14 these houses boom, boom, boom, boom.

15 And again, the slope of the land and
16 everything else, I just don't see where it's going to
17 enhance the city. And the saddest thing is, I think we're
18 going to get this project jammed right down our throats
19 whether we like it or not. Thank you.

20 CHAIRMAN FLAHERTY: Thank you very much.

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1 David and Jody Connelly.

2 MR. DAVID CONNELLY: I'm sorry, I have
3 terrible handwriting. It's Judy.

4 CHAIRMAN FLAHERTY: Oh I'm -- well, it's
5 close. This is what you --

6 MR. CONNELLY: I was at work today and had
7 the occasion to review the specifications from --

8 CHAIRMAN FLAHERTY: Okay excuse me, just a
9 second --

10 MR. CONNELLY: Yes.

11 CHAIRMAN FLAHERTY: -- you'd like this on
12 file --

13 MR. CONNELLY: Yes I would please.

14 CHAIRMAN FLAHERTY: And there are copies?

15 MR. CONNELLY: There's a few there but I
16 don't have enough for everybody but I'll go through it
17 very briefly if that's alright?

18 CHAIRMAN FLAHERTY: Okay sure, of course,
19 and we'll put it on file.

20 MR. CONNELLY: I was reviewing the

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1 specification from the Metropolitan District Commission,
2 basically that's regional water for greater Hartford.
3 They have the water company and sewer treatment plants in
4 that area. And one of the parts of the specification had
5 to do with rock removal vibration analysis, which is the
6 two pages that I've given the Chairman.

7 They defined the rock as any large mass of
8 stone, bedrock or ledge rock and the term rock excavation
9 shall mean the removal of rock which in the opinion of the
10 contractor requires its removal, drilling, wedging,
11 sledging, cutting, barring, jack hammering, hoe ramming,
12 blasting or expansive chemical splitting. Down at the --
13 let's see, under quality assurance the second paragraph,
14 vibration limit criteria, the contractor shall limit rock
15 excavation operations and in parenthesis, non-explosive
16 techniques, which is basically what we're talking about,
17 to prevent damage to any adjacent buildings, structures,
18 utility or other feature near the site.

19 The contractor is solely responsible to
20 determine the maximum vibration tolerable at each

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1 facility. However, in no case shall the following be
2 exceeded and this is what we were talking about on the
3 blasting. The value that they use to measure this is
4 called maximum peak particle velocity. And it's in inches
5 per second and I won't go through the whole table but
6 there's a table that depends on the frequency of the
7 vibration and then there's an inch per second maximum that
8 can't be exceeded according to the MDC. The second page
9 basically has to do with concrete at a very young age and
10 over seven days aged.

11 The thing on the second page that
12 impressed me was the indemnity, notwithstanding full
13 compliance with these specifications revealed all
14 submittals in successful limitation of peak particle
15 velocity specified in this section. The contractor shall
16 be solely responsible for any damage, direct or indirect,
17 arising from the rock removal operations. So I think this
18 is -- it can be specified. It's been specified. I don't
19 know if these limits are some kind of a statement or
20 anything else. But the important things are that there

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1 are limits that can be measured and they can hold the
2 contractor responsible.

3 CHAIRMAN FLAHERTY: And what was the
4 source of this?

5 MR. CONNELLY: The source -- this is from
6 the Metropolitan District Commission. This is part of the
7 specifications for a sewer line replacement in West
8 Hartford.

9 CHAIRMAN FLAHERTY: Oh, this is of West
10 Hartford.

11 MR. CONNELLY: Right, but the MDC uses it
12 as part of their boilerplate specifications for all the
13 cities that they take care of. So basically what this is
14 saying is even though you're not blasting there's still
15 going to be vibrations. And they can still be of a
16 magnitude to do damage.

17 CHAIRMAN FLAHERTY: And they can be
18 controlled?

19 MR. CONNELLY: They can be measured, I
20 don't know that they can be controlled. Thank you.

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1 CHAIRMAN FLAHERTY: Okay, thank you very
2 much. Fred, did you get a copy?

3 MR. D'AMICO: Yes.

4 CHAIRMAN FLAHERTY: Check into it please,
5 if that's something that should be in our Regs. Alright,
6 did Judy Connelly wish to speak?

7 MS. JODY CONNELLY: No.

8 MR. CONNELLY: How about Jody?

9 CHAIRMAN FLAHERTY: Yeah right, would Jody
10 like to speak? Is there anyone else from the public who
11 wishes to speak? Yes sir, come forward and state your
12 name and address if you would please.

13 MR. THOMAS HEMMINGWAY: I'm Tim
14 Hemmingway, nickname, my name is Thomas. I live at 93
15 North Prospect Street. I was born and raised on North
16 Prospect Street Extension before it was even a road. That
17 has nothing to do with it.

18 The thing with the water pump they were
19 going to put in to pump water up to the development,
20 nobody said anything about how many gallons a minute it's

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1 going to produce -- you know, pump, or what's the PSI. I
2 know a fire truck, if it has to go in there, he's going to
3 suck a thousand gallons a minute running that pumper.
4 That's another thing. And the temporary sediment pond,
5 when they start building on there and they walk away after
6 they build two houses, who's going to maintain it? If it
7 gets plugged up it's going to be a cesspool. It's going
8 to raise nothing but mosquitoes.

9 And you got Connelly Pond. Connelly, they
10 have a soccer field, they have a little league field down
11 there, who's going to take care of that? That's it right
12 now.

13 CHAIRMAN FLAHERTY: Thank you. What
14 normally happens on a detention pond or retention pond,
15 normally they're empty. They're normally empty and during
16 peak flow when the heavy rain comes they fill up with
17 water and detain the water and then it gradually
18 dissipates again. So the normal condition maintained
19 correctly, they should be empty. But if they're not
20 maintained, of course they're going to fill up with water

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1 and there could be mosquitoes.

2 But the Association is responsible for
3 maintain a detention or retention pond in Ansonia. The
4 City of Ansonia accepts none of them, so the same
5 Association that would have to maintain all those pipes
6 that lead to it and the same Association that would own
7 that private water supply would have to own the detention
8 pond just so you understand. Mr. Musante and then Mr.
9 Cruz.

10 MR. MUSANTE: State my name?

11 CHAIRMAN FLAHERTY: Yeah, if you will.

12 MR. MUSANTE: My name is Edward Musante, I
13 live at 138B Old Ansonia Road, in back of Castle Lane.
14 Old Ansonia Road was surveyed in 2006 that it was not able
15 to handle anymore traffic when they were doing a project
16 over in (indiscernible). He went up and did a survey but
17 it has memos in there and that was stopped because of the
18 road and because of the project over there. It was
19 condemned.

20 And how are they going to go through

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1 Seymour, each house is going to have two or three cars.
2 Before those were going to be built for elderly having two
3 cars and now you're going to have two or three houses with
4 two or three cars in a road that was not able to handle it
5 then. Koslowski did a survey and I gave you one and I
6 gave (indiscernible) one.

7 CHAIRMAN FLAHERTY: The -- is this the one
8 that Mr. Koslowski did?

9 MR. MUSANTE: Yeah -- yup.

10 CHAIRMAN FLAHERTY: That paragraph that
11 you gave me?

12 MR. MUSANTE: Yeah.

13 CHAIRMAN FLAHERTY: I read in the paper
14 that there was an engineering study you stated done, but I
15 haven't been able to find any engineering study.

16 MR. MUSANTE: Because he was out there
17 most of the day and that was another thing that helped us
18 out up there, the traffic, because that road cannot handle
19 the traffic. Now you're going to have tractor trailers
20 coming down there?

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1 CHAIRMAN FLAHERTY: Yeah, a number of
2 people have testified their concerns with the road.

3 MR. MUSANTE: That road is not a regular
4 main street road, it's a back road. It winds, it dips.

5 CHAIRMAN FLAHERTY: Thank you Mr. Musante.
6 Yes, Mr. Cruz.

7 MR. CRUZ: Yeah, I just had another
8 question. I keep hearing about this Association. I'm
9 wondering where is this Association going to come from? I
10 mean, first of all you don't -- if you only built two
11 houses what, the owners have to make up the Association?
12 You have to have officers, set up some sort of a treasurer
13 to pay all these bills. Is Mr. Romano going to handle
14 this until all his houses are sold and then it's up to the
15 owners?

16 How does this work? And it seems to me,
17 like this phantom set of people nobody knows about, and
18 that's just curiosity I mean.

19 CHAIRMAN FLAHERTY: I am not a lawyer but
20 in general --

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1 MR. CRUZ: Yeah, maybe they can explain
2 that.

3 CHAIRMAN FLAHERTY: -- to handle those
4 things that aren't going to be owned by the City and those
5 are usually extraordinary apertures or things on the land
6 that normally drainages owned by the City. But when there
7 are structures in a subdivision, any subdivision not only
8 this one, when there's structures on a subdivision that
9 aren't going to be City owned and City maintained, if the
10 developer wants to go forward with it he has to form an
11 Association and have someone assume the responsibility and
12 the liabilities of insuring that those different methods
13 of detaining water and so forth go forward and they're
14 maintained correctly and so forth.

15 If it's a private water supply it would
16 have to make sure that the pump house or -- would have to
17 be maintained and so forth. And the Association would be
18 made up of the homeowners. And I'm assuming that each
19 homeowner, and in this instance there's 24, would be
20 responsible for one twenty-fourth of those costs and those

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1 things that are incurred. And I'm assuming, and I'm not
2 an attorney --

3 MR. CRUZ: Right.

4 CHAIRMAN FLAHERTY: -- and I'm going to
5 ask him to explain it. So if two houses were sold I would
6 say that each homeowner would assume one twenty-fourth of
7 the costs and the developer would have to assume the
8 balance of the cost. And then as the houses were built,
9 each subsequent homeowner would pick up one twenty-fourth
10 and he would drop one twenty-fourth.

11 That's what I'm assuming, but we have to
12 find these things out and they would be flushed out by our
13 attorney. There's an awful lot of work to do but I think
14 in general that's how they work.

15 MR. CRUZ: Yeah, I would assume that
16 there's some sort of By-Laws that would have to be
17 written. Would they be done before the construction
18 starts so that people would know or is that after
19 everything is done?

20 CHAIRMAN FLAHERTY: My experience is that

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1 they have to be written and approved by the Board -- by
2 our attorney before we go forward with anything.

3 MR. CRUZ: Oh, okay.

4 CHAIRMAN FLAHERTY: If anything is going
5 to go forward. We're in -- it's a fact gathering --

6 MR. CRUZ: Yeah, okay.

7 CHAIRMAN FLAHERTY: -- and I'm trying to
8 get answers as much as I can but --

9 MR. CRUZ: I was just curious.

10 CHAIRMAN FLAHERTY: -- you know, in
11 general there might be a change or something and the
12 bonding, I'm not sure of.

13 MR. CRUZ: Okay.

14 CHAIRMAN FLAHERTY: The areas that the
15 community will be responsible for is bonded, that's for
16 sure. I know that-- road bonds and so forth.

17 MR. CRUZ: Right.

18 CHAIRMAN FLAHERTY: But private, I'm not
19 sure how that works but I'm assuming that the banks,
20 whoever loaned the money, would want to ensure that there

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1 was adequate bonding in place. But that's pure conjecture
2 on my part.

3 MR. CRUZ: Okay, thank you.

4 CHAIRMAN FLAHERTY: Thank you. Someone
5 had their hand up over there? No? Is there anyone else
6 from the public who -- excuse me, okay. Sure, come
7 forward, it's okay. Yeah, I saw him first, it doesn't
8 matter.

9 MR. BOB KOSLOWSKI: Good evening, Bob
10 Koslowski, Granite Terrace, Ansonia.

11 CHAIRMAN FLAHERTY: Good evening.

12 MR. KOSLOWSKI: In light of some of the
13 testimony that came in today, I think it should be
14 mandatory that they do a pre-blast inspection to all the
15 homeowners who had received their letters for the public
16 hearing. But this time make sure all of the residents get
17 it, not some of the residents like they did the last time.

18 Whose fault it was, I don't know, but a
19 lot of people did not get notices in the mail.

20 CHAIRMAN FLAHERTY: In fairness to the

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1 applicant, they went out as best they could a good 500
2 feet, and they're required to do 100. They went 500 feet.

3 I think that there were some errors in the land records
4 so that the new owners didn't get noticed and they went to
5 the old owners.

6 MR. KOSLOWSKI: According to right here
7 they been living there for two years. I'm sure they get
8 their tax bill every year. I'm sure -- you know, they get
9 their sewer use bill every year. I'm sure they get their
10 property tax bill every year.

11 CHAIRMAN FLAHERTY: I'm very curious as an
12 aside and it's not -- as to what the address was.

13 FEMALE VOICE: 36 and 34 Granite Terrace.

14 MR. KOSLOWSKI: Yeah, that's one that I
15 know of.

16 CHAIRMAN FLAHERTY: And is that in --

17 MALE VOICE: Number two, I haven't gotten
18 mine.

19 CHAIRMAN FLAHERTY: Is that in Ansonia or
20 Seymour?

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1 FEMALE VOICE: Ansonia.

2 CHAIRMAN FLAHERTY: Ansonia, okay.

3 FEMALE VOICE: And I do get my sewer bills
4 and my tax bills.

5 CHAIRMAN FLAHERTY: I'm sure you did. And
6 your last name?

7 MS. GERUNTHO: Geruntho, G-E-R-U-N-T-H-O.

8 CHAIRMAN FLAHERTY: I'm curious myself --

9 MR. MUSANTE: I haven't got one --

10 CHAIRMAN FLAHERTY: You're in Seymour Ed,
11 right?

12 MR. MUSANTE: We're Ansonia
13 (indiscernible).

14 CHAIRMAN FLAHERTY: Okay, you should have
15 gotten one too. Okay, on file at the Town and City
16 Clerk's office there is a list of those people who are on
17 the list to get noticed. So if anyone wants to see who
18 was noticed and who wasn't, there is a list on file. I
19 think it was put on there September, so you can just
20 double check see if your neighbor did and you didn't.

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1 I have no answer but I will go to try to
2 find out why. I'm just curious but I know that they did
3 make an honest effort to notice.

4 MALE VOICE: (Indiscernible).

5 CHAIRMAN FLAHERTY: One at a time please.
6 So --

7 MR. KOSLOWSKI: That's it.

8 CHAIRMAN FLAHERTY: Okay, so that's my
9 answer.

10 MR. KOSLOWSKI: Well, I guess that I think
11 they should do a pre-blast inspection for all the houses
12 around there. A lot of them have stone foundations, a lot
13 of them have all plaster walls. And for sure they all
14 have wells.

15 CHAIRMAN FLAHERTY: Okay, two things.
16 One, we're under the assumption there's no blasting but
17 there's no guarantees.

18 MR. KOSLOWSKI: I understand that.

19 CHAIRMAN FLAHERTY: Two, the Fire Marshal
20 was here and he said that there's no requirement for it.

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1 MR. KOSLOWSKI: I understand that also.

2 CHAIRMAN FLAHERTY: Okay, so your -- it
3 behooves each individual to take a videotape of their
4 house and their corners. If I were living there, that's
5 what I would do. I would videotape my foundation, the
6 inside of my home, just to protect myself because there's
7 no regulation that requires that to be done, and it's all
8 under the Fire Marshal and he testified already here this
9 evening that --

10 MR. KOSLOWSKI: Well, that would be only
11 common decency from the developer to do that.

12 CHAIRMAN FLAHERTY: -- it's not a
13 requirement. I'm sorry?

14 MR. KOSLOWSKI: That would be the common
15 decency for the developer to do that to make sure that
16 there's no problems down the road.

17 CHAIRMAN FLAHERTY: My experience is
18 common decency and a buck and a half gets you a cup of
19 coffee.

20 MR. KOSLOWSKI: It's \$2.00 now.

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1 CHAIRMAN FLAHERTY: I think that -- \$2.00
2 or whatever. No, senior discount.

3 MR. KOSLOWSKI: Why don't you go to
4 McDonald's, it's only \$1.00.

5 CHAIRMAN FLAHERTY: You're right, no, it's
6 \$.84 for a cup of coffee. So to protect yourself --.

7 MR. KOSLOWSKI: No, even though there's
8 not going to be any blasting -- it's understandable
9 there's no blasting but the gentleman came up and said oh,
10 what about all the jack hammering, all the construction
11 work. You know, a lot of that area up there has got a lot
12 of shale on it.

13 CHAIRMAN FLAHERTY: Yeah, that's --

14 MR. KOSLOWSKI: Along with granite and
15 everything else.

16 CHAIRMAN FLAHERTY: -- that's something
17 that I will -- you know, we received it tonight. That's
18 good information and I want the City engineer to check
19 that out to see if that's in the State code or is it --

20 MR. KOSLOWSKI: Because there's people up

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1 on Granite Terrace that's gone through two, three, four
2 wells.

3 CHAIRMAN FLAHERTY: -- or is it a
4 municipal code. I'm not sure, we're going to check that
5 part of it out.

6 MR. KOSLOWSKI: Okay, thank you.

7 CHAIRMAN FLAHERTY: Thank you. Okay yes,
8 Mr. Cruz, you --

9 MR. CRUZ: I just wanted to say I never
10 received a letter and I've been in my house for over 15
11 years --

12 CHAIRMAN FLAHERTY: Yes, and I know where
13 you live too, you should have. Yes sir.

14 MR. THOMAS HEMINGWAY: Thomas Hemingway,
15 North Prospect Street Extension. On that pump, in August
16 we had a hurricane, we didn't have no electricity. We had
17 a snowstorm in October, we didn't have no electricity.
18 What happens if -- are they going to put a -- use a backup
19 pump on that -- safety pump house or no?

20 You lose power, people use candles so they

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1 can see. Somebody's going to start their house on fire,
2 fire truck comes up there, they got no water. What are
3 they going to do now? And second, in that project you're
4 building these nine foot walls so that means you're going
5 to cut and fill.

6 CHAIRMAN FLAHERTY: Yes, there's --

7 MR. HEMINGWAY: And it's going to look
8 like Larova Terrace. You go to some of them houses, the
9 people got a deck. They go out that deck they fall over,
10 they're going 20 feet down a hill. I thought Ansonia did
11 away with that, cut and fill?

12 CHAIRMAN FLAHERTY: That all is going to
13 be addressed.

14 MR. HEMINGWAY: Okay, thank you.

15 CHAIRMAN FLAHERTY: As far as the
16 generator -- I mean, you know I would assume that there
17 would be a backup generator, but I don't know.

18 MR. HEMINGWAY: He shook his head.

19 CHAIRMAN FLAHERTY: Yeah, well we haven't
20 seen the plans for the pump house, so.

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1 MR. HEMINGWAY: And I looked at the -- I
2 was downstairs looking at the map right there and I didn't
3 see two hydrants on that map at all, I only see one. The
4 one you have downstairs.

5 CHAIRMAN FLAHERTY: This should be
6 downstairs. I see two, one at the beginning of Castle
7 Lane -- there's a proposed hydrant in Lot 4 and a proposed
8 hydrant on Lot 12 down this end. And this is in 12-02.
9 Excuse me, 12-01 is the map number. This is on file?

10 MS. FLAHERTY: Yeah.

11 CHAIRMAN FLAHERTY: So this map is on
12 file.

13 MR. HEMINGWAY: What's the number of the
14 map?

15 CHAIRMAN FLAHERTY: It's -- the map you
16 would be looking for to see the hydrant, it's drawing
17 number 12-01, the date is 2/1/2011, and the revision date
18 is 6/28/2011 -- excuse me, 10/28. I'm looking at item
19 six, 10/28/2011.

20 MR. HEMINGWAY: Alright, thank you.

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1 CHAIRMAN FLAHERTY: And this is on file.

2 MR. HEMINGWAY: Thank you.

3 CHAIRMAN FLAHERTY: Is there anyone else
4 from the public? Yes Ma'am.

5 MS. SHEER: I just wanted to mention that

6 --

7 COURT REPORTER: I can't hear you.

8 MS. SHEER: I'm sorry. I just wanted to
9 ask or mention -- sorry, I just get nervous.

10 CHAIRMAN FLAHERTY: Don't be nervous.

11 Hey, we're all neighbors here don't be nervous. State
12 your name please.

13 MS. SHEER: Oh, I'm sorry. Vicki Sheer,
14 Rockwood Avenue Extension.

15 CHAIRMAN FLAHERTY: Thank you.

16 MS. SHEER: The -- sorry, well I had a
17 couple of concerns. At one of the earlier meetings it was
18 mentioned when they were still talking about doing wells
19 that one of the reasons for not doing city water was that
20 it was cost prohibitive. So now that they're going to do

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1 that I'm assuming there's either a lot more additional
2 expense or they're going to cut something else somewhere
3 else.

4 So again, with the length of the project
5 it's just a concern how they're going to do all of this
6 plus the fact that they -- you had everything prepared for
7 them that all they had to sign was for that Kings Mark
8 study. I don't really understand why they refused to
9 allow that. It didn't seem to cause them any problem.
10 Everything was all prepared. So that was just a concern
11 that they didn't want to do that.

12 CHAIRMAN FLAHERTY: If you'll bear with me
13 for one minute. I'm looking for the letter from Mr.
14 Romano that I wanted to put on -- I don't see it. Oh here
15 it is right here, wait a minute. Bear with me. I'm
16 looking for the letter explaining why gentlemen. Thank
17 you.

18 Coyle and Sponheimer, Attorneys at Law,
19 Bartholomew Flaherty, Ansonia Planning & Zoning
20 Commission, concerning Castle Lane Subdivision

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1 application. Dear Mr. Flaherty, please be advised that
2 Mr. Romano has spoken with Elaine Sich (phonetic), the
3 coordinator of the environmental review team which
4 oversees all aspects of the environmental review process.
5 She informed Mr. Romano that if Kings Mark conducted a
6 study in regards to the above referenced application it
7 would be ready on November 28, 2011.

8 Mr. Romano had previously agreed to a
9 study as far back as March -- February/March, 2011. At
10 the end of June 2011 Kings Mark indicated it would not
11 conduct another study since one had been previously
12 conducted. Accordingly, Mr. Romano is unwilling to grant
13 -- accordingly, Mr. Romano is unwilling to grant
14 permission to enter upon his land at this time as he and
15 his agents would have no opportunity to review the new
16 report prior to the final hearing on this matter, which
17 will be grossly unfair to him. Mr. Romano regrets the
18 situation has occurred but it has not been caused in any
19 way by him.

20 If Kings Mark had agreed to do the survey

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1 in June, this situation would not have occurred. Very
2 truly yours, Clifford D. Hoyle.

3 MS. SHEER: Okay, thank you.

4 CHAIRMAN FLAHERTY: That's the letter that
5 we received from Mr. Hoyle. This will be on file -- it's
6 on file? Oh it's on file, I'm sorry, it's on file.

7 MS. SHEER: Okay, thank you.

8 CHAIRMAN FLAHERTY: Okay. Yes sir Mr.
9 Musante.

10 MR. MUSANTE: You were saying that I'm
11 living in Ansonia --

12 CHAIRMAN FLAHERTY: Ed, please state your
13 name and address please.

14 MR. MUSANTE: My name is Edward Musante, I
15 live at 178B Old Ansonia Road. The back of my house is on
16 Castle Lane. You were just saying for the record that I
17 don't live in Ansonia. We pay taxes in Ansonia.

18 CHAIRMAN FLAHERTY: Well, I thought maybe
19 that's why you didn't get the letter.

20 MR. MUSANTE: I pay tax in Ansonia --

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1 CHAIRMAN FLAHERTY: Okay.

2 MR. MUSANTE: -- our house is like cut
3 down -- my house is in Ansonia.

4 CHAIRMAN FLAHERTY: So you should have
5 been on -- see, I assumed that you might not have been on
6 that thing because you were -- but if you pay taxes --

7 MR. MUSANTE: So if it wasn't for me going
8 door to door --

9 CHAIRMAN FLAHERTY: -- you pay taxes --

10 MR. MUSANTE: -- going door to door
11 letting some of these people know, they wouldn't have even
12 been here.

13 CHAIRMAN FLAHERTY: If you pay taxes you
14 should have been on the assessor's list which they used to
15 send out the things Mr. Musante. Mrs. Stowe.

16 MRS. STOWE: Chairman, I was wondering if
17 you're going to talk about what are the next steps because
18 we don't really know how this goes. So what are the next
19 steps, do we continue the public hearing? Is it closed
20 after this? And then what -- how is the process?

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1 CHAIRMAN FLAHERTY: Okay, the process --
2 the public hearing will be closed whenever the Commission
3 says it should be closed. I thought it would be closed -
4 - the limits of time is I think 11/28. I think it has to
5 be closed by then because I was waiting for a Kings Mark
6 study and I didn't think it would be here before the 28th.
7 So I thought that would have to go on the record.

8 But I don't know if the Commissioners want
9 to close it tonight or extend it to the 28th. Once the
10 public hearing is closed we have 65 days from the date of
11 closure to act upon this application. So if they close it
12 tonight -- what's it the 14th?

13 MS. STOWE: Ahum.

14 CHAIRMAN FLAHERTY: According to my trusty
15 calculator we will have to act on this by January 18th.

16 MS. STOWE: Okay.

17 CHAIRMAN FLAHERTY: That gives us November
18 28th meeting and December 19th. We normally would meet
19 the 26th but it's the day after Christmas so at the
20 meeting on the 28th I'm going to entertain a motion to

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1 change it to the 19th -- Monday the 19th, the week prior.
2 So I would anticipate us -- our January meeting would be
3 too late to act, we would run out of time.

4 MS. STOWE: Okay.

5 CHAIRMAN FLAHERTY: So it would have to be
6 acted upon in the November or December meeting because by
7 statute we have 65 days from the time we close this public
8 hearing to act, by statute.

9 MS. STOWE: Okay.

10 CHAIRMAN FLAHERTY: So it's closed and
11 then we gather all the testimony, the verbatim testimony,
12 all the letters that were coming in, all the comments that
13 you made, all the concerns that were made. As a
14 Commission it has to be referred to Mr. Inglese, Mr.
15 D'Amico, corporation counsel and all the Commissioners
16 will have to look at this to see how it complies or it
17 doesn't comply with our regulations. And then it would be
18 voted upon either in November or December.

19 MS. STOWE: And then how will we know?

20 How will the public know?

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1 CHAIRMAN FLAHERTY: Well, the meetings are
2 public first. They're posted and they're public and
3 you're welcome to come to Planning & Zoning meetings. In
4 fact, I encourage you to come to the Planning & Zoning
5 meetings. We welcome you to come to the Planning & Zoning
6 meetings.

7 MS. STOWE: We've gotten into the habit.

8 CHAIRMAN FLAHERTY: It's good.

9 MS. STOWE: It is good, it is good.

10 FEMALE VOICE: What are those dates again,
11 I'm sorry?

12 CHAIRMAN FLAHERTY: November 28th at 7:30
13 or if the Commission goes along with changing the December
14 meeting to December 19th, it would be December 19th at
15 7:30.

16 MS. STOWE: Okay.

17 FEMALE VOICE: It will be in the papers
18 won't it?

19 CHAIRMAN FLAHERTY: I'm sorry?

20 FEMALE VOICE: In the paper?

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1 MR. BETTINI: It will be on the website.

2 CHAIRMAN FLAHERTY: It's -- no it won't.

3 FEMALE VOICE: Oh, it won't.

4 CHAIRMAN FLAHERTY: Only public hearings
5 get posted in the paper.

6 FEMALE VOICE: So is there a website we
7 can go on --

8 CHAIRMAN FLAHERTY: Yes, the City of
9 Ansonia website lists all our meetings. It's the last
10 Monday of the month but because December -- we moved the
11 October meeting because of Halloween and we'll move the
12 December meeting because it's the 26th. It's the day
13 after Christmas so we'll move it to the 19th.

14 MS. JO-LYNN FLAHERTY: And the 31st is the
15 last Monday and it's New Year's Eve.

16 CHAIRMAN FLAHERTY: And the 31st is New
17 Year's Eve, so if you want to be here New Year's Eve, I
18 won't be here.

19 MS. STOWE: You're hitting all the
20 holidays. Thank you.

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1 CHAIRMAN FLAHERTY: Do you understand now
2 Mrs. Stowe? Was I clear enough what happens next?

3 MS. STOWE: Well, we're closed and then
4 you guys make a decision and then it's public -- I mean,
5 you make a decision based on all the information that you
6 have.

7 CHAIRMAN FLAHERTY: Correct, and waivers
8 require two-thirds vote -- or three-quarters vote.

9 MS. STOWE: And how many waivers are there
10 requested?

11 CHAIRMAN FLAHERTY: Two.

12 MS. STOWE: Okay.

13 CHAIRMAN FLAHERTY: Two, width of the road
14 and length of the road.

15 MS. STOWE: And what about the slope of
16 the lot size? Was there a requested waiver on the size of
17 the lot?

18 CHAIRMAN FLAHERTY: No.

19 MR. INGLESE: That would not be within the
20 jurisdiction of this Commission.

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1 CHAIRMAN FLAHERTY: No, we can't waive the
2 size of the lots.

3 MR. INGLESE: No, that's zoning and Zoning
4 Board of Appeals.

5 CHAIRMAN FLAHERTY: Only the Zoning Board
6 of Appeals could waive that. We can't waive lot size.

7 MS. STOWE: So I don't understand, the
8 last time one of Mr. Romano's attorneys talked about
9 having not been notified, that he couldn't use that small
10 of a size of a lot because of the slope.

11 MR. INGLESE: I think she's referring to
12 --

13 CHAIRMAN FLAHERTY: On the -- well, we
14 have a section in our regulations that require 25 -- the
15 taking out of 25 percent slopes. That's in the record.
16 That's open to question.

17 MS. STOWE: Okay.

18 CHAIRMAN FLAHERTY: And that's not
19 resolved.

20 MS. STOWE: Okay, but that's not a waiver.

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1 CHAIRMAN FLAHERTY: No, that's not a
2 waiver. That's our regulations.

3 MS. STOWE: Okay that's the question, very
4 good thank you.

5 CHAIRMAN FLAHERTY: Thank you. Anyone
6 else from the public who wishes to speak? Anyone else
7 from the public who wishes to speak? Don't hesitate, if
8 you have a question -- you know, I mean even if you think
9 someone asked the same question but you're not happy with
10 the answer or you're not sure of the answer or if some of
11 my comments you're not quite clear on how things or done
12 or -- you know, don't hesitate.

13 So for the third and last time -- oops,
14 yes. Is it a Judy or a Jody?

15 MS. CONNELLY: It's Judy. I can't walk --

16 CHAIRMAN FLAHERTY: I know, I'm going to
17 do the same thing when I stand up after sitting here.

18 MS. CONNELLY: Judy Connelly, North
19 Prospect Street Extension in Ansonia. Now as I'm trying
20 to understand this, come December 19th it's all said and

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1 done?

2 CHAIRMAN FLAHERTY: Yes.

3 MS. CONNELLY: You're either going to --

4 CHAIRMAN FLAHERTY: It will be voted up --

5 it would probably have to be unless can we get one

6 extension from the applicant?

7 MR. WELCH: I'd have to take a look at the

8 schedule --

9 CHAIRMAN FLAHERTY: I think that the

10 applicant can grant a 35 day extension but I'd really have

11 to look at our regulations. But the statute requires us

12 to act upon this 65 days from the close of the public

13 hearing correct?

14 MR. INGLESE: Yup.

15 CHAIRMAN FLAHERTY: And we have two

16 meetings, we have November 28th --

17 MS. CONNELLY: Are they like this kind of

18 meeting? I mean, it's --

19 CHAIRMAN FLAHERTY: It's a public meeting.

20 MS. CONNELLY: Right.

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1 CHAIRMAN FLAHERTY: It's held here and
2 it's a public meeting.

3 MS. CONNELLY: Right, but we don't get to
4 vote on anything right?

5 CHAIRMAN FLAHERTY: No, no.

6 MS. CONNELLY: It kind of is like one-
7 sided.

8 CHAIRMAN FLAHERTY: Okay?

9 MS. CONNELLY: Okay.

10 CHAIRMAN FLAHERTY: Thank you. Is there
11 anyone else from the public who wishes to speak? Is there
12 anyone else from the public who wishes to speak? And the
13 third and final time, is there anyone else from the public
14 who wishes to speak? Okay, the Chair declares the public
15 session closed.

16 Commissioners, is there any further
17 business in the public hearing? I have a number of items
18 to put on the record.

19 MR. BETTINI: I just have a couple of
20 things. I guess Fred, the issue of water flow from the

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1 pump, maybe you look at the pump or get some details on
2 the pump and make certain that the pump can support the
3 pumper truck if necessary.

4 MR. D'AMICO: The pumper truck or --

5 MR. BETTINI: Well, I guess the commentary
6 was that the pumper truck used 1,000 gallons per minute -
7 -

8 MR. D'AMICO: Actually, I talked to some
9 Fire Department personnel and I believe the quantity of
10 water that's stored in the six inch pipe would be adequate
11 for the pumper truck to pump the water out of the pipe in
12 case of a fire. They are showing a water tank to be left
13 in there --

14 MR. BETTINI: Yeah, but they said they may
15 take that out.

16 MR. D'AMICO: -- but they may take that
17 out --

18 MR. BETTINI: Yeah.

19 MR. D'AMICO: -- and I think we could -- I
20 could double check with Fire Marshal Tingley if it would

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1 be adequate not to have the -- once we have the six inch
2 line in there, if it would be correct in eliminating it.

3 MR. BETTINI: Okay.

4 MR. D'AMICO: But it sounds like the
5 pressure will be built up with the pumper trucks.

6 MR. BETTINI: And then just to verify, it
7 sounded to me as though the ladder truck would have to
8 come up through Seymour in order to take a right-hand turn
9 to get down Castle Lane.

10 MR. D'AMICO: Again --

11 MR. JAMES MARTIN: That's still the
12 situation that they have now though. It's a situation
13 that they have now though.

14 MR. BETTINI: Yes.

15 MR. MARTIN: It's not a new situation,
16 that will be a situation they have right now, which is not
17 a good thing as far as I'm concerned.

18 MR. BETTINI: Yeah, right.

19 MR. MARTIN: The project is not going to
20 change that part.

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1 MR. D'AMICO: Well, there's 24 more
2 houses.

3 MR. MARTIN: Right, there's 24 more houses
4 but there is a situation there right now that needs to be
5 checked out.

6 MR. D'AMICO: But that could be checked
7 out, we could get the truck up there. We've done it in
8 the past. When we had a question on a different road and
9 we actually brought the truck out there and found out if
10 it bottomed out we'd have to re-grade the road and that
11 was taken care of. In this case, we could at least know
12 if it would be a problem or if anything else, we'd know
13 that that particular truck would not be able to access the
14 end of the street.

15 MR. ADAMOWSKI: Mr. Chairman, I think I
16 can take care of that during the week.

17 MR. INGLESE: Yeah, that would be very
18 wise.

19 MR. D'AMICO: Then I can meet the truck
20 out there.

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1 MR. BETTINI: I would be very interested
2 in knowing that for certain.

3 CHAIRMAN FLAHERTY: Okay, let me put some
4 items on the record if I may.

5 E-mail from ERT Coordinator to Planning &
6 Zoning dated 11/4/11; letter to Planning & Zoning from
7 Charles Stowe regarding Gardner's Lane storm drainage
8 connection dated 11/7/11; letter from P&Z to Ray Tingley,
9 Fire Marshal, dated 10/27/11, letter from Hoyle &
10 Sponheimer to P&Z dated 11/1/11; letter from P&Z to Cliff
11 Hoyle dated 10/21/11; e-mail from ERT Coordinator to
12 Planning & Zoning dated 10/31/11; e-mail communications
13 between ERT Coordinator and Planning & Zoning dated
14 10/28/11; e-mail communications between P&Z and ERT
15 Coordinator dated 10/26/11; letter from Charles and Deidre
16 Stowe to Planning & Zoning dated 10/25/11; memo from Kevin
17 O'Mara to agency members dated 5/29/02; VRPA meeting
18 minutes dated 6/6/02; letter from K. O'Mara to Planning &
19 Zoning dated 6/7/02; letter from P&Z to VRPA dated
20 5/22/02; P&Z special meeting minutes 4/15/03 with

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1 attachments; P&Z special meeting notice 4/15/03;
2 communications from O. Inglese to P&Z dated 4/21/03; P&Z
3 notice of decision dated 4/25/03; P&Z regular meeting
4 minutes 9/30/02; P&Z regular meeting minutes 6/24/02; P&Z
5 regular meeting minutes 7/29/02; public hearing minutes
6 6/24/02; P&Z special meeting minutes 5/31/02; P&Z public
7 hearing minutes 5/13/02; communication from O. Inglese to
8 P&Z dated 4/24/02; letter from P&Z to VRPA dated 5/22/02;
9 letter from P&Z to the Town of Woodbridge dated 5/22/02
10 with attachments; letter to P&Z to the Town of Seymour
11 dated 5/22/02 with attachments; letter from P&Z to the
12 City of Derby dated 5/22/02 with attachments;
13 communication from O. Inglese to P&Z dated 5/9/02;
14 referral letter from P&Z to WPCA and Economic Development
15 dated 5/13/02; City of Ansonia Plan of Conservation and
16 Development; latest map submittal from applicant, revision
17 date 10/25/11; Inland Wetland land permit No. 2011D.

18 And also there will be communications that
19 were received this evening from various members of the
20 public and from Attorney Hoyle. I'll entertain a motion

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1 to put those on the record.

2 MR. LAWLOR: I'll make a motion to put
3 them on the record.

4 MR. BETTINI: Second.

5 CHAIRMAN FLAHERTY: All in favor?

6 VOICES: Aye.

7 CHAIRMAN FLAHERTY: Anyone opposed, anyone
8 abstained? Okay, they're on the record. What is the
9 Commission's pleasure, we have a public hearing that
10 either is continued to -- I think that we can't go past
11 the 28th, or you can -- counselor, you can close it?

12 MR. WELCH: You can move to close the
13 public hearing record.

14 CHAIRMAN FLAHERTY: Or -- okay.

15 MR. LAWLOR: I'll make a motion to close
16 the public hearing.

17 MR. MARTIN: I'll second it.

18 CHAIRMAN FLAHERTY: Any discussion? All
19 in favor?

20 VOICES: Aye.

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1 CHAIRMAN FLAHERTY: Anyone opposed?
2 Anyone abstain? Chair declares the motion passed, public
3 hearing closed. The next regular scheduled meeting is
4 11/28/11 at 7:30. Don't forget, we have a public hearing
5 scheduled for 11:15 -- 7:15, man I'm telling you. Now I'm
6 getting tired of talking, my apologies.

7 We have a public hearing scheduled for
8 7:15 on 11/28 concerning changing the language to comply
9 with ADA federal statutes. We have to change some wording
10 in one of our regulations. So I'm just reminding everyone
11 of that. I'll entertain a motion to adjourn.

12 MALE VOICE: I'll make a motion to
13 adjourn.

14 CHAIRMAN FLAHERTY: Anything else --
15 counselor, Ozzie, Fred, Jimmie? Commissioners? Anyone
16 else? I entertained a motion to adjourn, all in favor?

17 VOICES: Aye.

18 CHAIRMAN FLAHERTY: Opposed, abstained?
19 Ladies and gentlemen, thank you very much for coming.

20 (Whereupon, the hearing was concluded at

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1 9:27 p.m.)

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