

May 18, 2009

Public Hearing

**Special Exception
420 Main Street – Change the Grade,
Store and Sell Earth Material**

Present: Bart Flaherty, Chairman
 Doug Furtek
 Jeff Lawlor
 Jared Heon
 Ed Phipps
 Jim Tanner

Others Present: Peter Crabtree, Zoning Enforcement Officer – arrived 7:05 p.m.
 Fred D’Amico, City Engineer
 Oswald Inglese, Planning Consultant

The Public Hearing of the Ansonia Planning and Zoning Commission to hear the petition by Mark Tice/M&L Properties, 1 Chestnut Street, Ansonia, CT for a Special Exception Site Plan approval to bring fill onto property located at 420 Main Street to raise the grade of said property further away from the contamination and to store and sell earth material on this site located at 420 Main Street, Ansonia was called to order at 7:00 p.m. by Chairman Flaherty.

All present rose and Pledged Allegiance to the Flag.

The secretary called the roll.

There was a quorum present.

The secretary read the call of the meeting as follows:

Notice of Public Hearing

May 18, 2009

The Planning & Zoning Commission of the City of Ansonia, Connecticut will hold a public hearing on Monday, May 18, 2009 at 7:00 p.m. to hear the petition by Mark Tice/M&L Properties, 1 Chestnut Street, Ansonia, CT for a Special Exception Site Plan approval to bring fill onto property located at 420 Main Street to raise the grade of said property further away from the contamination and to store and sell earth material on this site located at 420 Main Street, Ansonia.

At said hearing all parties will be given an opportunity to be heard. A copy of the file is on file in the office of the Town & City Clerk, 253 Main Street, Ansonia, Ct. 06401.

Dated at Ansonia, Connecticut this 7th day of May, 2009.

ANSONIA PLANNING & ZONING COMMISSION

Bartholomew R. Flaherty, III, Chairman

Jo-Lynn Flaherty, Secretary

Publish two (2) times

Thursday 5/7/09

Thursday 5/14/09

Mr. Phipps made a motion to accept the call of the meeting as read. Mr. Heon seconded. All in favor, so carried.

Mr. Mark Tice and Mr. Jim Swift, Engineer were present.

Mr. Tice stated that the Planning and Zoning Commission approved the building a while ago but the approval has expired.

Chairman Flaherty said the approval expired on June 1, 2004.

Mr. Swift said that Mr. Tice has been prepping the site for a building in the future. The previous approval for the building has expired.

Mr. Swift said he is asking for a Special Permit to stabilize the site with fill where the building will be built. They will loam and seed and dress up the front of the property with screening plants such as arborvitae. He said the landscaping was put in the drawings now. He said they

are currently working with the State of Connecticut for the curb cut onto Main Street for the driveway. They will install a gate across the opening to present a nice look for the City.

Chairman Flaherty asked what the existing elevation is now.

Mr. Swift said 21 to 22 range but it could be up to 23 to 24 range.

Chairman Flaherty said the final grade (23) vs. the sidewalk (25) is two (2) feet higher. He said that the area has been greatly enhanced since Mr. Tice first began this project. There is Target, Big Y and the stores in the complex with Big Y. The commission is working to enhance the remainder of the downtown – Main Street area.

Mr. Inglese asked what are you covering there.

Mr. Tice said oil.

Mr. Inglese said spilled from the past operations.

Mr. Tice said from the 1940's and the 1950's. He said test borings shows it's contained three to four feet deep.

Mr. Inglese asked if the contamination is sporadic.

Mr. Tice said it is to the rear and at an angle (showed the members on the map the location of the contamination). Mr. Tice said Mr. Yukon bought the property from Farrels and he was compensated by Farrels for the contamination.

Mr. Inglese asked if the site would be paved.

Mr. Tice said when the building is built it will be paved.

Mr. Swift said the site is pretty stable. It has some dirt on it, some trucks on it and we'll leave it at that.

Mr. Inglese asked if DEP was involved with the contamination.

Mr. Tice said no. DEP said it is Tice's site and they have no jurisdiction over it.

Mr. Inglese said because it is not a Brownfield?

Mr. Tice said that is correct.

Chairman Flaherty asked will the site be all paving or will there be some grass.

Mr. Swift said there will be a building, paving and some grass.

Chairman Flaherty asked what the X hatching on the map stands for. There are trucks, vehicles and dirt on the site.

Mr. Tice said that is the area where they will not come any further at this time from the street.

Mr. D'Amico said that is only two (2) feet.

Mr. Swift said they are going back to the original contours. They will put in the drainage for the building that was approved and put in three catch basins.

Mr. Phipps said you are bringing in fill and you plan to build on fill. You will not touch the contaminated soil.

Mr. Tice said that is right, we will not touch any contaminated soil. That is the reason to bring in the fill.

There was discussion on the installation of the drainage for the previously approved building that expired.

Chairman Flaherty said the public hearing is for fill. The drainage is OK but it is gone, it expired. If you want to do that you will have to make application for the drainage and the building but that is not what was published for the public hearing. We have no approved maps to allow the installation of the drainage. We have no Inland Wetlands approval.

Mr. Swift said that is correct.

Chairman Flaherty said he is not objecting to it but there are no maps, no Inland Wetlands approval, no calculations, Fred hasn't seen any maps. We will continue with the public hearing for the fill use.

Mr. Swift said he researched the Inland Wetlands permit and he doesn't know if they have any more time left for that.

Mr. Tice said that IWC still has his \$5000 cash bond.

Chairman Flaherty asked the applicant if he has anything further to add to his presentation.

Mr. Swift said that he was finished.

Chairman Flaherty asked if any of the commission members have any questions or comments.

Chairman Flaherty asked if any staff has any questions or comments.

Chairman Flaherty declared the public session closed.

Mr. Inglese said he has a report and he will read his report to the commission. (copy attached)

Mr. Inglese said he prepared the report in response to questions to Mr. Tice at the time the Commission acknowledged receipt of the application. He said part of the application is the storage of material.

Mr. Phipps made a motion to close the public hearing at 7:25 p.m. Mr. Furtek seconded. All in favor, so carried.

Respectfully submitted,

Jo-Lynn Flaherty
Secretary