



City of Ansonia
INLAND WETLANDS COMMISSION

253 Main Street
Ansonia, Connecticut 06401

September 4, 2014

Regular Meeting

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Elizabeth Lynch
TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

Present: Tim Holman, Chairman
Michael Bettini
Jeff Gould
John Jones
David Madar
William Malerba

Absent: Kevin Cegelka

Others Present: Dave Blackwell, ZEO
John Marini, Corporation Counsel

The Regular Meeting of the Ansonia Inland Wetlands Commission was called to order at 7:00 p.m. by Chairman Tim Holman,

All present rose and Pledged Allegiance to the Flag.

The secretary called the roll.

There was a quorum present.

Approval of Minutes

Mr. Madar made a motion to accept and place on file the minutes of the Special meeting held on August 14, 2014 and the Special meeting/Site Inspection held on August 18, 2014. Mr. Jones seconded. All in favor, so carried.

Approval of Bills

There were no bills.

Correspondence

Mr. Jones made a motion to accept all of the correspondence received, dispense with the reading, and place them on file. If a member requests one read or acted upon the correspondence will be brought up individually. Mr. Gould seconded. All in favor, so carried.

1. Fred D'Amico, City Engineer re; Woodbridge Manor Road

Public Session

Chairman Holman asked if there was anyone from the public who wished to address the Commission. He asked three (3) times. There was no one.

Mr. Jones made a motion to close the public session. Mr. Madar seconded. All in favor, so carried.

Casa Nuova Dev re: 14 Woodbridge Manor Road

Attorney Dominic Thomas, Michael Horbal, Natale (Tony) Giamo and S. Giamo were present.

Attorney Thomas said they are here to have conversations and to try to reach a resolution.

Mr. Madar said looking over the plan, the plan requires a boulder wall. He is asking for a defined wall about 30 inches high.

Attorney Thomas said a boulder wall was suggested.

Mr. Horbal said the boulder wall uses the boulders on the site and it will be 36 inches in height and not uniform in height.

Mr. Madar said he would like to see a more defined wall.

Mr. Horbal said it is not a retaining wall. Part of the boulders will act as a retainer and they will be different in height.

Mr. Jones asked about the swale and the boulders.

Mr. Horbal said if it is required of the applicant to put boulders or stones there, he could put in a couple of larger ones to get the height. He will do that.

Chairman Holman said there is no encroachment on the wetland. He said Mr. D'Amico required the wall to be 24 inches higher than the finished grade.

Mr. Giamo said behind the wall there will be plantings to delineate the wetland.

Mr. Madar said he is concerned to have something there. He is concerned about the boulder wall.

Attorney Thomas said put a fence up and put a sign up that says "Do not disturb – Conservation area, Wetlands area". He said you can put up a split rail fence and have the plantings on the other side of the wall with a sign "conservation area/wetlands area – do not disturb".

Mr. Gould said will that prevent people from dumping in the wetland.

Chairman Holman said is it possible to have the wall higher.

Mr. Giamo said to build a wall like that would be extremely expensive. It is a long wall.

Mr. Madar said at our site walk it was going to just flow down to the wetland and you were going to put up a boulder wall and plantings and it was to naturally slope to the existing grade.

Mr. Horbal said the change of grade is about three (3) feet. You put the boulders there and each one will act as a retaining wall.

Mr. Madar said I understood there was no retaining wall it was going to slope naturally.

There was discussion on whether or not there was going to be a retaining wall built along the wetland area or whether it was going to slope and flow natural to the wetland. Mr. Horbal showed the commissioners on the map where the location would be for the wall stating the height is about three (3) feet for the boulder wall. He said they will be reducing the amount of fill for 750 sf. feet.

Mr. Madar said he thought the boulders would be set on the existing grade.

Discussion on the wall and the back filling and where the boulders would be put. Mr. Madar said it's a retaining wall. It is not above grade. It was to flow into and back down and the wall was going to sit above grade and flow down.

Mr. Blackwell said a retaining wall has to be engineered.

Attorney Thomas said no, this retaining wall doesn't have to be engineered according to the standards. (Mr. Thomas gave the standards required for an engineered wall.)

Mr. Giamo said we could do a split rail fence.

Attorney Thomas said we could put the plaques up that it is a Conservation/Wetland Area and still have the boulders and plantings.

Mr. Bettini said Mr. D'Amico said the wall should be 24 inches higher. If you put three (3) foot boulders and three (3) to four (4) foot split rail fence that would achieve what Mr. D'Amico wants.

There was discussion on the split rail fence and replacement of it when it rots out. Mr. Horbal discussed the plantings stating they would be Winterberry, Spice bush, Blueberry bush, etc. They grow five (5) feet high.

Mr. Malerba said is the two (2) foot high wall to keep people out or to retain material.

Mr. Madar said it's a permanent structure – boulders are permanent and split rail would have to be replaced - it is both.

Mr. Horbal said they could put in a fence.

Mr. Malerba said will it keep people out.

Mr. Gould said will it keep people from dumping into the wetland.

Attorney Thomas said no one is preventing anyone from dumping. You can put a boulder wall and split rail fence and a sign " Conservation area – No disturbance" and there is no way you can stop someone from dumping grass. It may stop some from putting up a shed behind the wall. He said he was golfing on a course in Sherman and all they had to stop them from going into the wetland was a sign. The boulder wall, the retaining wall and the plantings should help to keep people out of the wetland. The people who purchase the house can't do anything in the wetland area. They would have to go to the City Building Dept. if they want to do anything there.

Chairman Holman he likes the split rail fence.

Mr. Jones said the boulders will be thirty-six (36) inches high and then the split rail fence and the plantings on the outside of that.

Mr. Horbal said that is correct.

There was discussion between Mr. Horbal and Mr. Bettini on the above.

Attorney Thomas said he worked on the Woodbridge Fire Dept. patio case in the wetland. Dr. Clemens created a buffer. He said the best wetland buffer is plantings that form bushes and putting the bushes close together. The split rail fence is the border for the houses that were built in Derby near the Adams and Walmart stores. He said they put up the split rail fence and the other side of the fence is all natural. He said he hasn't seen any dumping there.

Mr. Madar questioned the Rain Garden in the City of Ansonia easement and not the applicant's property. He asked if Inland Wetlands Commission can approve something not on their property.

Corporation Counsel Marini said yes. The City of Ansonia can enter into an agreement with them. He said he doesn't want to create additional expense to the City of Ansonia for maintenance of the Rain Garden or drainage.

Mr. Madar said it is still a City easement and we are putting something on it. Who would own the Rain Garden.

Attorney Thomas said they could request the developer to give it to the City or it can remain in the ownership of the developer. He said if the City of Ansonia will not use this as a road they can abandon it and give half to one side and the other half to the other side. He said an extension of this road is unlikely.

There was discussion on the extension of this "paper" road from Woodbridge Manor to Sheasby. Corporation Counsel Marini said he will have to research this and they could reach an agreement with the Board of Aldermen and the Owner to discontinue the road.

Mr. Madar asked who is responsible for the maintenance of the Rain Garden.

Mr. Horbal said there will be about one (1) foot of water deep to catch the immediate run off. He said most of the water is absorbed into the ground.

Mr. Bettini asked who will own the property it is located on.

Mr. Madar said IWC can't approve something on someone else's property.

Corporation Counsel said he will do a Title Search on the property.

Mr. Giamo said this subdivision was done in the 1960's and that road was probably not turned over the City.

There was discussion on the subdivision and what happened to the "paper" road.

Mr. Bettini said regarding the road and the easement, it should be turned over to Corporation Counsel to sort out and report back to the commission.

Corporation Counsel Marini said he will research it and have a title search done but it is unlikely the road was turned over to the City when this property was developed. He will work on it with the Board of Aldermen.

There was discussion on the plantings in Mr. D'Amico's report.

Attorney Thomas said the right of way where the Rain Garden is located, if the City were to extend the road, they would put in the drainage and there would be no need for the Rain Garden.

Mr. Madar said he understands, but IWC is approving water management that is not on Mr. Giamo's property.

Attorney Thomas said there is a "paper" road from the 1960's and the City of Ansonia doesn't have a deed to bring it up to Sheasby. The lots on Sheasby would be more accessible from Sheasby. The area can only be used as a road. He said with regard to the City drainage, he and Corporation Counsel Marini can work it out.

Chairman Holman said the Callahan property is not buildable. This property is adjacent to Mr. Giamo's property.

Attorney Thomas discussed the options the City has with regard to the paper road and the easement/right of way where the Rain Garden will be located. He said the City could sell its rights on the road. The adjacent property owners could also have an opportunity to get half each of the road/right of way.

Chairman Holman asked Corporation Counsel what will happen with the paper road.

Corporation Counsel Marini said it is too early to say because the Title Search hasn't been done. He said he has faith he can resolve it with the Board of Aldermen and the Developer.

Mr. Horbal said after the first meeting he redesigned the plan after consulting with City Engineer D'Amico. He said they increased the amount of gullies from 30 feet long to 38 feet long to contained the run off for a 10 year storm. He said they added the Rain Garden to take any additional run off. The Rain Garden is not necessary for their drainage.

Mr. Bettini said the drain in the road is tied into the public sewer so it cannot be used for storm water.

Mr. Giamo said the Rain Garden is not needed. They have increased the gullies and all the Rain Garden is doing is taking a small amount of run off. We are not raising the road and if we do raise the road it will go into the public sewer system. The Rain Garden is slowing the flow of water.

Attorney Thomas said the Rain Garden services the run off from the road and acts as a storm drain for the road. He said if the storm drain in the road was hooked up properly they would be able to use it and there would no problem.

Mr. Bettini said he has no problem with the Rain Garden but there are legal issue and they have to be worked out.

Mr. Madar said he is asking if we can approve water management if it is off the property.

There was discussion on requiring the Developer to put drainage into the road and extending the road but there is a question on whether the City owns the road. Attorney Thomas said if the City said yes, the City will correct this problem and put storm sewer in and sanitary sewer in we could reduce the size of the gallies and the Rain Garden takes only the road run off. He said they are putting a turnaround at the end of the existing road which will be extended to the end of the property for 14 Woodbridge Manor Road.

Chairman Holman said the Rain Garden and the road are to be worked out with Corporation Counsel and the Board of Aldermen. He said he would like to discuss what IWC will do.

Mr. Malerba said the water runs through there on the property. He asked how deep does it get in that area. The water is running to the base of the boulder wall how much water is running there.

Mr. Giamo said it never gets wet.

Mr. Malerba said the Callahan property is adjacent and there is a channel that runs from there down through this property.

Mr. Horbal said he has never seen water more than two (2) inches deep. If it was a regular occurrence and the water got high the sides of the channel would be scoured.

Attorney Thomas said Mr. Pietras drew the channel on his map because he was on the property on 6/19/13 which was the third wettest record in history for June. The area had a large rain storm and he was on the land at it's wettest and he saw the channel.

Mr. Malerba said during a 100 year storm does the water come up a foot or so.

Mr. Horbal said he checked the flood map for Ansonia and it doesn't show a water course on the property. If it is not a watercourse it is not shown on the map.

Mr. Bettini said can we approve it but talk about the conditions.

Attorney Thomas said you can't approve it because we are in the Appeal and we have to resolve the appeal first. After that is done he said he can get together with Corporation Counsel Marini and draft the Resolution.

Attorney Marini said the commission is going forward to settle something. You have the ability to discuss this among yourselves.

Executive Session: Re: Casa Nuova Dev v Ansonia

Mr. Bettini made a motion to go into Executive Session at 8:00 p.m. and invite Corp. Counsel Marini to stay. Mr. Jones seconded. All in favor, so carried.

Attorney Thomas, Mr. Horbal, Mr. N. Giamo, Mr. S. Giamo, Mr. Blackwell and Mrs. Flaherty left the room.

Mr. Bettini made a motion to go back into regular session at 8:17 p.m. Mr. Jones seconded. All in favor, so carried.

There were no decisions made or votes taken during Executive Session.

Chairman Holman said the commission has to schedule a special meeting to discuss this.

Mr. Gould made a motion to schedule a Special meeting of the Commission to discuss 14 Woodbridge Manor Road on Monday, September 8, 2014 at 7:15 p.m.

Mr. Gould made a motion if Mr. D'Amico cannot make the Monday meeting to schedule the meeting for Thursday, September 11, 2014 at 7:00 p.m. Mr. Madar seconded. All in favor, so carried.

Mr. D'Amico's report is attached to the minutes.

IWC Permit Fees/Bonds & Update IWC Regulations

Chairman Holman asked if there were any permit fees/bonds to discuss.

Mr. Bettini made a motion to table the Update on the IWC Regulations to next month. Mr. Madar seconded. All in favor, so carried.

Mr. Madar made a motion to send a letter to Corp. Counsel Marini regarding Attorney Tom Welch serving as the IWC Attorney to finish the work on the update of the regulations and fees. Mr. Bettini seconded. All in favor, so carried.

Violations

Chairman Holman asked Mr. Blackwell if there were any violations.

Mr. Blackwell said there were no violations.

Any other business to come before the Commission

None

October 2014 Meeting:

The October meeting will be held on Thursday, October 2, 2014 at 7:00 p.m.

Adjourn

Mr. Madar made a motion to adjourn the meeting at 8:30 p.m. Mr. Jones seconded. All in favor, so carried.

Respectfully submitted,


Jo-Lynn Flaherty
Secretary