



City of Ansonia
INLAND WETLANDS COMMISSION

253 Main Street
Ansonia, Connecticut 06401

February 19, 2015

Special Meeting

RECEIVED FOR FILE
15 FEB 23 PM 3:47
Elizabeth S. Lynch
TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

Present: Tim Holman, Chairman
Michael Bettini
Kevin Cegelka
John Jones
David Madar
William Malerba
Larry Pellegrino

Others Present: Fred D'Amico, City Engineer
John Marini, Corporation Counsel
Dominic Thomas, Attorney
Natale Giamo, Applicant

The Special Meeting of the Ansonia Inland Wetlands Commission was called to order at 7:10 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.

The call of the meeting follows:

Special Meeting

February 10, 2015

Elizabeth Lynch
Town & City Clerk
City of Ansonia
Ansonia, CT 06401

Dear Ms. Lynch:

The Ansonia Inland Wetlands Commission will hold a Special Meeting of the Commission as follows:

- Date:** Thursday, February 19, 2015
- Time:** 7:00 p.m.
- Place:** Ansonia City Hall
- Purpose:**
1. To review, discuss and finalize the Casa Nuova Development draft IWC Permit for 14 Woodbridge Manor Road.
 2. To make a decision on the IWC Permit.
 3. Adjourn

Respectfully,
Jo-Lynn Flaherty
Secretary

Chairman Holman invited Attorney Dominic Thomas to give his presentation on the proposed permit for 14 Woodbridge Manor Road.

Attorney Thomas gave everyone a copy of the final draft that he and Attorney Lema prepared for the commission this evening. (copy attached)

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Mr. Bettini discussed Condition #35: Upon the satisfactory completion of the construction and the stabilization of the disturbed area on the site, the bond shall be released.

Attorney Thomas said that IWC bonds are released through the Inland Wetlands Commission. The applicant makes a request to release the bond and it would need IWC approval to be released

Mr. D'Amico said IWC keeps the bond for three years.

Attorney Thomas discussed putting a time limit on holding and releasing bonds.

Chairman Holman asked what the IWC regulations state for holding a bond. He said he thought it was three years also.

Mr. D'Amico said IWC always kept the bond for three years after the final C.O. was issued. He said he agrees it should be held but not for three years. He cited holding a bond for three years after completion of the project in a subdivision and the last lot is not developed. This would not be practical. He said that this section in the draft permit was removed.

There was discussion on the length of time the bond should be held. Chairman Holman said IWC has done this in the past and he did not want to change now.

Attorney Thomas said the Statute states that municipalities were keeping bond for 10, 15, 20 years. This is not a performance bond but an E&S bond. Once the site is stable the bond is not required. He said you would need two growing seasons about a year and a half to have the site stabilize. Release should be based on stabilization of the site, you can't set a time on this. The purpose of the bond is if the developer doesn't satisfy the E&S requirements, the City can pull the bond if there is damage, etc. and they can repair the damage.

Chairman Holman said the commission can revisit it after two years to give the site enough time to stabilize.

The Commissioners agreed to revise Condition# 34 and # 35 to read:

1. The applicant must provide the City of Ansonia, Inland Wetlands Commission with a Bond as permitted by the Connecticut General Statutes, in the amount of \$5,000.00 to insure proper performance and compliance with the soil erosion and sediment control requirements and site stabilization conditions of this permit. **The Commission will revisit the release of the bond in two (2) years.**
2. Upon the satisfactory completion of the construction and the stabilization of the disturbed area on the site, the bond shall be **considered for release after inspection by the City Engineer and the Chairman.**
3. Mr. Bettini said the commission discussed putting a note on the Warrantee Deed that there is a wetland on the property and a IWC Permit.

Attorney Thomas said Condition #24 addresses that.

Mr. D'Amico discussed condition #46 in the Draft copy of the permit.

Attorney Thomas said there is no such thing as a "permit fee".

Mr. D'Amico said we are calling it a permit fee but it is an application fee.

Discussion followed on permit fees and application fees and revising the IWC regulations.

Chairman Holman asked Attorney Marini if there was a problem with changing the application fee to \$500.

Attorney Marini said he had no problem with changing the application fee to \$500.

Mr. Madar said it would have been nice to receive the final copy of the permit before tonight so we would have had a chance to read it and review it.

Chairman Holman asked Corporation Counsel Marini if he had any comments for the commissioners.

Attorney Marini said the commission spent time reviewing the permit and discussing the conditions. He said the recording of the conditions on the map is a little burdensome.

Attorney Thomas said there are some conditions that don't have to be put on the map such as paragraph 1. There are a lot of conditions that are not relevant to the plan, they are normal and routine things. He said the City Engineer and Corporation Counsel should determine what should go on the map.

There was discussion on what conditions should be placed on the map. Mr. Giamo agreed that some of the conditions should be put on the map.

Chairman Holman said the commissioners will go through the conditions to determine what is going on the map.

Mr. D'Amico said 90% of the conditions are for construction. He said #5 should be on the map and shown as it is to protect the wetlands.

Chairman Holman said the commissioners decided Condition #5, Condition #19 and Condition #27 should be put on the map. He asked about Condition #28.

Attorney Thomas said Condition #28 is for a contractor.

Mr. D'Amico said no to Condition #23.

Mr. Bettini asked how Condition #22 would work. The silt fence needs to be in place until the bond is released.

Attorney Thomas said the owner has to keep the silt fence in place until the area is stabilized. Once the silt fence is removed, the area usually has to be re-seeded and the grass has to grow and the area has to become fully stabilized.

Mr. Madar said the bond will stay in place until the area is stable and who will determine that.

Attorney Thomas said the bond is not released until the area is fully stabilized. The City Engineer has to release the bond.

Chairman Holman asked how long does it take to stabilize an area?

Attorney Thomas said two (2) growing seasons should stabilize the area.

Chairman Holman said they can't come back to revisit the bond for two (2) years.

Attorney Thomas said anyone can say it's stabilized.

Chairman Holman said we're asking for two (2) years to make sure it is stable.

Mr. Giamo said at what point is it stable.

Mr. D'Amico said the grass is growing and it has to go through two (2) growing seasons and two (2) winters.

There was discussion on the stabilization of the site, i.e. grass, silt fence, growing seasons, etc.

Mr. Bettini discussed modifying condition #22 to add with approval from the City Engineer.

Mr. D'Amico said that is OK, once the area is stable.

Discussion on the removal of the silt fence, re-seeding and hay again on the site to stabilize the area and the condition of the area once the re-seeded grass begins to grow where the silt fence was removed.

Mr. Bettini made a motion to approve with conditions IWC Permit 2104C including all of the changes made during this meeting and incorporated into the permit. Mr. Pellegrino seconded. All in favor, so carried.

Changes:

- Condition #5, 19 and 27 will be put on the map.
- Condition # 34: The applicant must provide the City of Ansonia, Inland Wetlands Commission with a Bond as permitted by the Connecticut General Statutes, in the amount of \$5,000.00 to insure proper performance and compliance with the soil erosion and

sediment control requirements and site stabilization conditions of this permit. **The Commission will revisit the release of the bond in two (2) years.**

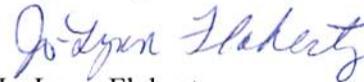
- Condition #35: Upon the satisfactory completion of the construction and the stabilization of the disturbed area on the site, the bond shall be **considered for release after inspection by the City Engineer and the Chairman.**
- Condition #22: The applicant will maintain the silt fence until the contributing area is stabilized. **Removal of the silt fence upon approval of the City Engineer.**

Chairman Holman thanked the commissioners for attending the special meeting this evening.

Adjourn

Mr. Cegelka made a motion to adjourn the meeting at 7:55p.m. Mr. Bettini seconded. All in favor, so carried.

Respectfully submitted,



Jo-Lynn Flaherty
Secretary