



City of Ansonia
INLAND WETLANDS COMMISSION

253 Main Street
Ansonia, Connecticut 06401

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Madeline H. Battone
TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

May 6, 2010

Regular Meeting

Present: David Knapp, Chairman
Tim Holman
John Jones
David Madar
Ed Phipps

Absent: Kevin Cegelka

Others Present: Thomas Welch, Attorney

The regular meeting of the Ansonia Inland Wetlands Commission was called to order at 7:00 p.m. by Chairman Knapp.

All present rose and Pledged Allegiance to the Flag.

The secretary called the roll. There was a quorum present.

Minutes

Mr. Phipps made a motion to accept as written and place on file the minutes of the April 1, 2010 regular meeting. Mr. Madar seconded. All in favor, so carried.

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Bills

Mr. Phipps made a motion to pay all bills if found to be correct. Mr. Holman seconded. All in favor, so carried.

1. M. Shansky: Bill for professional services \$975.00 Invoice # 4270

Correspondence

Mr. Phipps 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. Madar seconded. All in favor, so carried.

1. F. D'Amico re: Benz St. Sub. NCW Dev. Bill Griffin. Dtd. 5/5/10
2. F. D'Amico re: Robert Ricciutti, Funeral Home, Beaver St. Dtd. 5/5/10
3. F. D'Amico re: John Melko, 141 Pulaski Highway Dtd. 5/5/10
4. F. D'Amico re: Beaver Brook Apts. Dtd. 5/5/10
5. F. D'Amico re: Silver Hill Estates. Dtd. 5/5/10
6. F. D'Amico re: Westview Estates Hallihan Dr. Dtd. 5/5/10
7. F. D'Amico re: Heidi Marganski 6 Doyle Dr. Dtd. 5/5/10
8. F. D'Amico re: John Jakabauski, 34 Silver Hill Rd. 5/5/10
9. F. D'Amico re: Albert Trentini, 62 Great Hill Rd. 5/5/10
10. T. Welch to E. Androski re: Marcucio 34 Benz St. dtd. 4/5/10
11. T. Welch to Diane Lord re: Tkacs, 17 Hodio Dr. dtd. 4/5/10
12. Wendyann Fowler re: Resignation Dtd. 4/16/10
13. IWC to J. Campbell, Rochester Midland Corp. re: Spectrum Plastics. Dtd. 4/28/10
14. J. Campbell, Rochester Midland Corp to IWC re: Spectrum Plastics. Dtd. 4/27/10
15. W. Urban, Conservation Commission re: Referral Spectrum Plastics/Rochester Midland Corp. Dtd. 4/28/10

Mr. Phipps made a motion to send a letter thanking Wendyann Fowler for her service to the IWC and the City of Ansonia. Mr. Jones seconded. All in favor, so carried.

Public Session

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

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

Release of Bonds

Chairman Knapp said he asked Mr. D'Amico to give the commission a letter for each bond that was to be released. He said that the commission received those letters this evening.

Mr. Phipps made a motion to release the bonds that were approved by Mr. D'Amico as listed below. Mr. Jones seconded. All in favor, so carried.

Bonds to be released:

1. Robert Ricciutti, Funeral Home, Beaver St. addition
2. John Melko, 141 Pulaski Highway single family home
3. Beaver Brook Apts., Beaver Street parking area
4. Silver Hill Estates Subdivision, Silver Hill Road/Hull St.
5. NCW Dev. Corp/Bill Griffin Westview Estates Subdivision, Hallihan Dr.
6. Heidi Marganski 6 Doyle Dr. addition to home
7. John Jakabauski, 34 Silver Hill Rd single family home
8. Albert Trentini, 62 Great Hill Rd. single family home

Bill Griffin/NCW Development request for IWC permit for 54 Benz Street Subdivision amended

Mr. William Griffin, NCW Dev. Corp. was present.

Mr. Griffin said that Mr. D'Amico reviewed the plans and has submitted a letter on his findings.

Chairman Knapp said that Mr. D'Amico could not be present this evening due to another commitment. He read the letter from Mr. D'Amico to the members.

Mr. Holman made a motion to accept the application for an IWC permit for a regulated activity for property located at 54 Benz Street for a 2 lot subdivision as substantially complete. Mr. Phipps seconded. All in favor, so carried

Mr. Phipps made a motion to classify the application for an IWC permit as a Class B – regulated activity. Mr. Holman seconded. All in favor, so carried.

Mr. Jones made a motion to approve with conditions the application for a Class B permit for construction of a 2 lot subdivision known as 54 Benz Street Subdivision located at 54 Benz Street. Mr. Phipps seconded. All in favor, so carried.

Conditions:

1. All the Class B permit conditions that are applicable to the application will be incorporated into this permit.
2. Silt Fence and hay bales are installed as needed for erosion and sedimentation control during construction.
3. Anti-tracking mud apron will be installed.
4. On site storage for the material on site during construction
5. Permit fee \$1000
6. Cash bond is \$10,000

Willinger Attorney/A. Tkacs request for IWC Permit for 17 Hodio Drive (Court order)

Diane Lord, Attorney, James Swift, Engineer, Ray Shook, Soil Scientist and Mr. & Mrs. Tkacs were present.

Donna Lindgren, Ansonia Nature Center Director was present.

Attorney Lord stated she represents Mr. & Mrs. Tkacs who reside at 17 Hodio Drive, Ansonia. She said there are two permits in question:

1. Shed on the property
2. E&S Plan that was designed by Mr. Swift

She said that her clients installed an in ground pool and brought in approximately 290 cubic yards of fill on the property. The soil ran down slope onto the Nature Center property. She said none of the soil went down onto the wetland. She said her clients attempted to address the situation by removing the debris on the hillside.

Attorney Lord said that a shed was put on the property. The shed is 60 feet from the wetland. In April 2008 a letter was received from Peter Crabtree, Zoning Enforcement Officer requesting a permit for the shed. She sent a letter in response to the City's letter. The response from the City was a law suit in July. She said they are trying to resolve the issues and a law suit. She said that Jim Swift and Ray Shook are here to answer questions this evening.

Mr. Swift said the erosion and sedimentation is stabilized on the slope. The original slope is grassed in. There are large stones and construction debris, fabric fence, etc. on the slope and it will be removed. Behind the shed there is fill and some erosion. They will take the tree canopy up for light and put E&S fabric in place for growth. The slope needs cleaning up other than that it is stable.

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Mr. Holman asked how many tree limbs would be removed.

Mr. Swift said about 15 feet to 20 feet up will be removed.

Mr. Holman asked if the trees are on their property.

Mr. Swift said no.

Mr. Holman said that they can't cut trees that are not on their property. They will have to go to the Conservation Commission for permission to cut those trees.

Attorney Lord said they would have to go to the Board of Aldermen.

Mr. Holman said and to the Conservation Commission.

Mr. Madar said the hillside is on their property and they filled in on the Nature Center property and into the wetland. They filled onto the City property and the fill all ran into the wetlands and it was a mess. He said the last site inspection when the commission was there the area was a mess. He said we were there and we saw it. It was one mud pit on the side of the hill.

Mr. Swift said that based on what you saw it may have been however the hill is stable now.

Mr. Shook said the wetland boundary is based on wetland characteristics. There is a small amount of thick material on the Nature Center property. The bottom of the fill slope is not enough to change the character of the wetland. It is the same as road silt, it did not change.

Mr. Holman said is this in your report.

Mr. Shook said no.

Mr. Madar said the area was a disaster and in one year things have changed and no one addressed it.

Mr. Shook said I saw the area and it was stabilized.

Mr. Holman asked Mr. Shook if he walked the site as a soil scientist to access the site or as an employee of the Tkacs.

Mr. Shook said he was employed as an independent soil scientist to access the site.

Chairman Knapp said this application was submitted in March and no one was present.

Mr. Jones asked if the wetlands and the boundaries are flagged.

Mr. Shook said there is fill on the slope and some fill fell over onto the Nature Center Property.

Attorney Lord said that Mr. Tkacs got a permit for the pool.

Mr. Shook said the client never knew where the wetlands were.

Attorney Lord said in May 2007 he received a zoning permit for the pool.

Mr. Shook said you have regulations and you have to review if it is within a certain distance of the wetland. As a private citizen you can't go on an adjacent property. You approve wetland detention basin if it is within 100 feet of an adjacent property you put a caveat on their property because it is a delineation of a wetland. He said he was asked to identify the wetland within 100 feet of the property.

Mr. Madar said their activity did go to the Nature Center and the effect is encroachment on the property and wetland.

Mr. Shook said I have no problem with that.

Mr. Madar said the slope was filled onto another property and it should not have been done. We are trying to save the wetlands.

Mr. Shook said to remove the fill and get at it from the bottom you would have to move equipment in there to remove the fill – that may cause more damage to the wetlands.

There was discussion on repairing the damage from above and not entering the wetland area on the Nature Center property.

Attorney Lord said 70 to 90 cubic yards you don't need a permit it is under the amount you need a special permit for. The client did get a permit for the pool but did not get a permit for the fill because it was a very small amount. They did not intend to have the fill leave the property.

Mr. Holman said he would like to hold a site walk with Mr. D'Amico and he would like Mr. D'Amico to review the plans.

Mr. Madar asked if the corners are flagged for the property line and if the wetlands are flagged. If they are not flagged would they flag them for a site inspection?

Mr. Shook said don't make the cure worse than the cause.

Mr. Holman said he would like to have Mr. D'Amico and staff review the plans.

Mr. Holman made a motion to hold a site inspection/special meeting on Saturday, May 15, 2010 at 10:00 a.m. at 17 Hodio Drive. Also invite the Conservation Commission and the City

Engineer to the site walk. The wetlands and boundaries will be flagged by the applicant. Mr. Jones seconded. All in favor, so carried.

There was discussion on the bank, slope and property that would be part of the site walk.

Mr. Shook said the fill slope is vegetated and it was previously raw ground.

Attorney Welch said the trial date is for the end of June. He can ask the court to postpone the trial because it is in process.

Mr. Holman said a letter should be sent to the Board of Aldermen advising them that the Conservation Commission is in charge of the trees.

Attorney Lord asked what documents would be needed.

Mr. Holman said any revisions made to the plan.

Mr. Jones said the property must be flagged for wetlands and the boundary line.

Mr. Holman said the soil scientist is acting like an attorney not a person concerned about the environment.

Attorney Welch said the main bulk of the hillside has a lot of growth on the hill. The run off caused the erosion.

Mr. Holman asked Attorney Welch if a commission member sees a violation, can they go on that property to inspect it.

Attorney Welch said no, you have to get a court order.

Mr. Phipps said asked if the IWC members have any rights.

Attorney Welch said no. The commission member's power is as a Commission.

A discussion on the previous site inspection continued. Ms. Lindgren said if they are cutting the trees canopy it will encourage invasive plants to grow.

There was a discussion on the amount of fill that was brought in onto the property. It appears that they had to fill the property before they could excavate for the installation of the in ground pool.

Violations

3 Kiely's Lane

The secretary gave an update on 3 Kiely's Lane. She stated that there have been complaints regarding the amount of water runoff from the Nocerino property onto Jewett Street. Also questions on the catch basin on Kiely's Lane. The resident was referred to Fred D'Amico, City Engineer and Mike Schryver, Supt. of PWD.

Mr. Phipps said that there was never a problem with water on Jewett Street before that house was built on Keily's Lane.

Mr. Holman said there was a curb there on Kiely's Lane for the water runoff.

Mr. Jones said that this is similar to Berkshire Circle subdivision where nothing was right.

There was a discussion on Shortell Drive and the properties where there is a problem with water run off.

Mr. Holman said the City Engineer really has to look at the plans and review them thoroughly so this type of situation doesn't happen again. Mr. Nocerino came to a meeting and explained how he was going to fix the problem and it sounded great but it didn't work. The Engineer has to sit down and see what has to be done and make sure the applicant's engineer designs the project so it will work.

Any other business to come before the Commission

There was discussion on the letter received from Rochester Midland Corp. and the response to the letter.

Mr. Holman made a motion not to do anything else with this company unless IWC gets something in writing from Spectrum Plastics. The secretary is not to spend any more time on this. Mr. Jones seconded. All in favor, so carried.

June Meeting Date

The June meeting date is Thursday, June 3, 2010 at 7:00 p.m.

Executive Session (if needed)

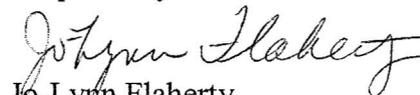
There was no Executive Session needed.

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Adjourn

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

Respectfully submitted,



Jo-Lynn Flaherty
Secretary