



City of Ansonia
INLAND WETLANDS COMMISSION

253 Main Street
Ansonia, Connecticut 06401

May 6, 2011
Regular Meeting

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Madeline H. Bottom
TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

Present: Tim Holman, Chairman
Jeff Gould
Ed Phipps
John Jones

Absent: Kevin Cegelka
David Madar
Fred D'Amico, City Engineer

Others Present: Jim Tanner, ZEO
Tom Welch, IWC Attorney

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

All present rose and Pledged Allegiance to the Flag.

The secretary called the roll.

There was a quorum present.

Approval of Minutes

Mr. Phipps made a motion to accept as written and place on file the minutes of the April 7, 2011 Regular Meeting and the April 9, 2011. Mr. Jones seconded. All in favor, so carried.

Approval of Bills

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

1. Welch, Teodosio, Stanek & Blake: \$18.75

IWC050511

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. Gould seconded. All in favor, so carried.

1. Town of Seymour re: Castle Lane
2. James Tanner re: 7 Howard Ave.

Public Session

Chairman Holman asked if there was anyone from the public who wished to address the commission.

Ed Musante
138 Old Ansonia Road
Ansonia, Ct 06401

Mr. Musante said that the property the applicant is looking at is contaminated with sludge from Farrel's. The contamination goes all the way down from Castle Lane to Smith Street. He said Farrel's dumped all of their waste material there. His mother has the old Evening Sentinel papers that tells of the dumping and contamination.

Chairman Holman asked if Mr. Musante knew the year this occurred.

Mr. Musante said he doesn't recall however his Mother is looking for the information. He said it is known that this land is contaminated by the material dumped there from Farrel's. He said that the applicant should do testing on the site for the contamination. The first house up there had to build a double foundation.

Chairman Holman thanked Mr. Musante for coming before the Commission. He said the Commission will note what he said.

Jesus Cruz
25 Castle Lane
Ansonia, Ct 06401

Mr. Cruz said he heard there was plans to build at the end of Castel Lane and he has a lot of concerns. The property was condemned because of the dumping. He said he is concerned with Colony Pond. He said DEP condemned the site and disapproved any building there. Colony Pond was recently dredged and cleaned up and he has great concerns for the safety of the pond and wildlife. He said he is also concerned with the rest of the neighborhood. There are two houses abandoned on the street.

IWC050511

Mr. Cruz said he wants to know what is going to happen up there. He has a lot of big concerns and the area is a nice quiet area. He said he heard they were going to cut up to Seymour for access and when we ask how no one seems to know what is going on. The people who live there should be informed.

Ed Musante said there is a brook that runs down through Seymour and down through Ansonia to Colony Pond. That should be protected. The area is all contaminated with Farrel's sludge.

Chairman Holman said everything that was said will be duly noted. There is a possibility of a public hearing for this application.

Chairman Holman asked three (3) times if there was anyone from the public who wished to address the commission.

There was no one.

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

Mark Romano/Castle Lane Developers LLC request for IWC permit for 23 lot subdivision located on Castle Lane

Attorney Cliff Hoyle and Mark Romano were present.

Attorney Hoyle said he is here this evening to try and set a date for a site inspection of the property.

Chairman Holman said he apologizes for cancelling the last site inspection but the weather prediction was for severe rain and then it cleared up for a short time.

Mr. Phipps made a motion to hold a special meeting and site inspection for Castle Lane on Tuesday, May 10, 2011 at 5:30 p.m. at Castle Lane with an alternate date of Wednesday, May 18, 2011 at 5:30 p.m. Mr. Gould seconded. All in favor, so carried.

Attorney Hoyle said with regard to the property being contaminated, the property was approved by Kings Mark and DEP in the 1980's.

Attorney Welch said that a public hearing has to be held 65 days of receipt of the application. You could get an extension from the applicant for a public hearing.

Chairman Holman said that it would be in the best interest of the Commission to hold a public hearing.

Attorney Hoyle said that his client will grant the commission an extension of time for 65 days from 5/5/11 for a public hearing.

34 Benz St. – Marcucio Property

Chairman Holman said that some of the IWC members have walked the site and there were some inland wetlands violations still remaining.

Mr. Tanner said there is some material in the wetlands but for me to make a decision as to what is or what isn't is difficult. There are more issues of excavation on the site, more zoning issues and blight issues. The wetlands marker may have been moved. The area needs to be cleaned out. There is more potting material and plastic bags in there. It is a dump from its own device. And yes there are still wetland issues in there.

Chairman Holman said by wetland issues you mean the containers and debris in the wetlands.

Mr. Tanner said there is material and debris in the wetlands. The wetland markers may have been moved. There may be chemicals leaching into the wetland from the pots, etc.

Mr. Jones said that he has made a trip up to 34 Benz Street four (4) times and it is worse each time. He said he will not go back there, nothing was done to correct the violations or fix the problem.

Chairman Holman asked Attorney Welch if the Commission has a case.

Attorney Welch said that there is a case in court right now with Mr. Marcucio. He can use this information to address the concerns of the Commission and Mr. Marcucio will have to do certain things. He said he did receive a call after the site inspection from the attorney representing the owner. The owner wants to meet with Mr. Tanner however there is a court date set and if he violated the stipulation it will be brought out.

Chairman Holman asked the secretary to write a letter to Mr. Marcucio ordering him to clean up the property as soon as possible and to copy P&Z, ZEO and Attorney Welch.

Mr. Jones said we don't know what is leaching out into the wetlands from the debris that is dumped there.

Mr. Tanner said the debris is not causing the problem. There is more concern over the nitrogens that are leaching out into the wetland. He also has expanded from 3 houses to 9 houses.

Mr. Jones said he has portable equipment, engines, motor oil, fuel tanks, partial engines and machines on the property. The oil may be leaking out into the wetland.

Mr. Tanner said there are buried oil tanks on the site. The entire site is a wetland area according to the maps.

There was a discussion on the property that was acquired by Mr. Marcucio years ago from the subdivision above (High Vista Estates). Mr. Tanner discussed Parker's Pond which was in this vicinity explaining when it was drained and where the water now flows. The outlet structure is near Cascio and the water flows down Benz street to Hill Street and down White Mare Brook.

Chairman Holman asked the secretary to see if she could find any of the old information for 34 Benz Street, High Vista Estates and Castle Lane.

Violations

Mr. Tanner said he sent a letter to the commission regarding 7 Howard Avenue. They have connected to the storm sewer underground. Everything seems to be fine at that location.

Mr. Tanner said there are some issues with 46-50 Prindle Avenue washing out of the wetland onto Prindle Avenue. There are 26 conditions of the IWC permit and the majority of them have not been conformed with. He said he is working with the City Engineer on this.

Mr. Tanner said the detention pond is not functioning correctly. There is no water being retained in it. The water is eroding the area. A catch basin was to be installed and the developer said that the State of CT said he did not need it. The IWC permit says he must clean it out. The mappings done by the State of CT is incorrect. The storm water management is on the other side of the street. There was supposed to be a grate drain installed and that wasn't put in either. The City of Ansonia requires it and if it can't go in the road because of the State, then install it two feet up in the driveway that that will fix the problem.

Mr. Tanner said he is working with City Engineer Fred D'Amioc on this.

Any other business to come before the Commission

Mr. Phipps asked Mr. Tanner about garbage cans and how to handle it. He said a neighbor keeps calling him. 114-116 Myrtle Avenue that is violating the law.

Mr. Tanner said you can call the Police Dept and they will have to respond however he will go up there and take care of it.

June Meeting Date

The June 2011 meeting will be held on Thursday, June 2, 2011 at 7:00 p.m.

Executive Session (if needed)

None

Adjourn

Mr. Gould made a motion to adjourn the meeting at 7:40 p.m. Mr. Phipps seconded. All in favor, so carried.

Respectfully submitted,



Jo-Lynn Flaherty
Secretary