



City of Ansonia  
INLAND WETLANDS COMMISSION

253 Main Street  
Ansonia, Connecticut 06401

Special Meeting

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*Elizabeth Lynch*  
TOWN AND CITY CLERK  
ANSONIA, CONNECTICUT

Present: Timothy Holman, Chairman  
Jeff Gould  
David Madar  
Ed Phipps

Absent: Kevin Cegelka  
John Jones

Others Present: Tom Welch, IWC Attorney  
Fred D'Amico, City Engineer – arrived 5:37 p.m.  
James Tanner, ZEO/Blight Officer – arrived 5:15 p.m.

The Special Meeting of the Ansonia Inland Wetlands Commission was called to order at 5:05 p.m. by Chairman 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 is as follows:

July 5, 2011

Special Meeting

Madeline Bottone  
Town & City Clerk

IWC SpMtg071411

City of Ansonia  
Ansonia, CT 06401

Dear Ms. Bottone,

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

Date: Thursday, July 14, 2011  
Time: 5:00 p.m.  
Place: Ansonia City Hall  
Purpose: To discuss and to act on Castle Lane Subdivision

Respectfully submitted,

Jo-Lynn Flaherty  
Secretary

Chairman Holman thanked everyone for attending this meeting.

Mr. Gould made a motion to accept the call of the meeting. Mr. Madar seconded. All in favor, so carried.

**Mark Romano/Castle Lane Developers LLC request for IWC permit for 23 lot subdivision located on Castle Lane (extension to 7/7/11 65 days )**

Mr. Clifford Hoyle, Sr. Attorney, Mark Romano, Brian Nesteriuk and Ken Stevens were present.

Mr. Nesteriuk explained the project to those present. He said it is located at 26 Gardner's Lane and Castle Lane. There is 13+ acres above Gardner's Lane. They will extend the road 1400 feet. There is two (2) acres of open space. The plan is very similar to an earlier plan that was approved in the 1980's. The earlier plan proposed a road through to Granite Terrace and there was no detention basin. They will use the existing sewer and will be expanding it. They have received approval from WPCA for the sewers. The homes will be serviced by wells because there is no water pressure for City water.

Mr. Nesteriuk introduced Ken Stevens, soil scientist.

IWC SpMtg071411

Mr. Ken Stevens  
Soil Scientist  
Soil, Science & Environmental Service  
Cheshire, CT

Mr. Stevens discussed the soil types on the site. He said he took a more detailed look at the soil. He did a report for Mr. Nesteriuk in December 2010 for this site. He said he mapped the units throughout the property. Yesterday he excavated test pits seven to ten feet. On page 3 of the map provided by Southwest Conservation District he explained there is hard rock and the approach for the road bed construction is there. There is one case of soft shifts area where the detention basin is and he was able to go down 7 feet. If there was a larger machine he could have dug down further. There is shattered bedrock at the bottom of the hole. This is natural. There is shattered rock with roots growing and soft mica rock that breaks up on its own. There is no shallow areas of bedrock on the property. The holes were all dry. He said it is a dry site with fine sandy loam soil. It is not erosive. The slope needs to be taken care of so that there is no erosion.

Mr. Stevens said anyone can put 10 foot lengths of 4 inch PVC pipe in the holes at any time any season and they could look into the holes. There would be no water.

Chairman Holman asked Mr. Stevens if he was familiar with Southwest Conservation District.

Mr. Stevens said yes.

Chairman Holman asked if he knew the person who did the report.

Mr. Stevens said yes.

Chairman Holman said is he a registered professional soil scientist.

Mr. Stevens said most soil scientists are registered. There is no licensing with State of CT. You have to have 5 years of experience to be fully qualified soil scientist. He explained the process for a soil scientist to become a certified soil scientist.

Chairman Holman asked if he was familiar with Roman Mrozinski.

Mr. Stevens said yes. He said Mr. Mrozinski is not a certified soil scientist. He said he read his report and that the maps were done by Mr. Stevens when he worked for Southwest Conservation district. They mapped about 150 to 200 acres per day. The smallest mapping unit is about 3 acres.

Chairman Holman said he is concerned about disturbance in the area. He asked if they were blasting and in Mr. Stevens' expert opinion how much area will be disturbed by blasting.

Mr. Stevens said if there will be blasting the area will be able to handle it. They will drill holes 10 to 15 feet deep and put in small charges and micro charge and zip. There will be no effect on the wells. There are no wells within 200' to 300' away.

Chairman Holman asked if they will keep the area completely free of debris.

Mr. Stevens said the stumps will be ground up.

Chairman Holman asked about the downstream areas.

Mr. Stevens said there are no wells or watercourses near this property.

Mr. Nesteriuk said the storm water will be in a conventional system for the road. It will be collected and deposited to the detention basin on the west side. There will be a variety of detention systems on the site. This will be the first thing put in during construction. The site is designed to handle and maintain a 100 year storm flow. He said there will be an oil separator and low flow water quality basin. The water left over will go to the Gardner's Lane storm water system. No additional flow will go to that system.

Chairman Holman said we walked the path and there was quite a bit of run off on the site which was obvious from the ditch. He asked about the water runoff from N. Prospect Street and the size of the pipe that would be installed to handle it.

Mr. Nesteriuk said there will be a 14" pipe. The water is concentrated and there is an existing 15" pipe there. This 15" pipe comes to our property and continues down to our property.

Chairman Holman said in the King's Mark Report on page 15 there is discussion on an 18" pipe to handle the run off.

Mr. Nesteriuk said that is a totally different application. It is a previous application and there was no detention on site. It is not necessary we have detention on site and we have a detention basin proposed.

Chairman Holman asked if there are any questions from the Commission members.

Mr. Gould asked what is the overall depth for the wells and what specific testing are they looking at.

Mr. Nesteriuk said there is no minimum standards set and no way of knowing the depth. The land determines this when you install the wells.

Chairman Holman thanked Mr. Nesteriuk.

Mr. Nesteriuk thanked Chairman Holman.

Attorney Hoyle said unless there are any further questions for the applicant they have concluded their presentation. There are no wetlands on this parcel and their expert has tested the type of soils, the drainage system will work and there is a slight decrease in run off. He said the applicant has met all of the Wetland regulations.

Mr. Madar said he wished that Mr. D'Amico our City Engineer was present for his input on this application.

Mr. Nesteriuk said that he spoke with Mr. D'Amico and he said he would be here this evening.

Chairman Holman said going through the report and listening to the testimony a lot of the concerns are Planning & Zoning issues. This Board deals with wetlands and watercourses. He said the commission could grant the application. There are a list of concerns that will be added to the permit but I have gone over the application and there is no disturbance to the wetlands – this is only my recommendation, it is up to the commission members to decide what to do.

Mr. Gould said he doesn't see anything to not grant the permit.

Mr. Gould made a motion to grant the Inland Wetlands permit.

Mr. Madar said he is not comfortable voting without hearing from our Engineer, Mr. D'Amico.

Mr. Phipps agreed with Mr. Madar.

Attorney Hoyle said I think your uncomfortableness is that your Engineer is not here to tell us our calculations done by our Engineer are correct. You could make the approval contingent upon Mr. D'Amico approving it.

Mr. Nesteriuk said Mr. D'Amico looked at it and said it was OK.

Mr. Madar said he is our expert that we go to and to do that with conditions I think Mr. D'Amico has to tell us before it goes through and is approved – before we say yes.

Attorney Welch said the commission can put off a decision to the next meeting if they choose. What Attorney Hoyle is asking for is for approval contingent on Mr. D'Amico approving it.

Attorney Hoyle requested a 5 minute recess to call Mr. D'Amico.

Recess 5:35 p.m. to 5:40.

Mr. D'Amico came into the meeting at 5:37 p.m.

Mr. D'Amico said yes, he has reviewed the reports and obviously there is not a big wetland. The issues are more P&Z situations to resolve. The drainage appears to be OK. Southwest Soil District questioned the fact that the soils were different than that of their Soil Scientist (K.Stevens). I don't know if the applicant had a Soil Scientist. He qualified the soils and I'm not a soil scientist so I would go along with him. Mr. Mrozinski is being general and the soils are steep soils and shallow ledge which is difficult to develop. I don't know how in depth a study he did. The applicant had a Certified Soil Scientist.

Mr. Madar said they had a soil scientist and they are collecting all of the increase in runoff and if the detention basin is built properly there should be no problem with the drainage.

There was continued discussion on the wells and that the applicant can't guarantee if the wells will or will not run dry. It is difficult to do a hydrology study as to whether the wells will be affected by blasting. It will be a hard time proving the wells will be or will not be affected. Unfortunately wells do run dry and it has happened in other cities and the Town put in a water line. There is a lot of different scenarios.

Mr. Nesteriuk said the blasting will be done in smaller charges and the vibration doesn't affect the houses. The houses are not close to this area.

Mr. D'Amico said the Fire Marshall regulates the blasting.

Attorney Hoyle said the soil scientist filed a report and he indicates there is little or no blasting. Any blasting will be regulated by the Fire Marshall.

Mr. D'Amico said test holes show very little blasting. The site will have some blasting and they will use small charges. Pre-blasting surveys will be within 500 feet and will have to have pre-blast survey to prove any damage caused was not caused by him.

Mr. Phipps said any instance where blasting caused wells to run dry.

Mr. D'Amico said in Shelton but it was not proved if it was the blasting. The project in Shelton the city had to run a water line. He said he doesn't think the actual blaster caused it and it was not proven blasting cause's wells to go dry. He said hydrology studies 100 feet underground.

Mr. Madar made a motion to accept the application for an IWC permit for a 23 lot subdivision located at 26 Gardner's Lane and Castle Lane, Ansonia known as Castle Lane Estates Subdivision as substantially complete. Mr. Gould 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. Madar seconded. All in favor, so carried.

Mr. Gould made a motion to approve with conditions the application as presented to the Inland Wetlands Commission and as shown on the map for a Class B permit for a 23 lot subdivision known as Castle Lane Estates Subdivision, 26 Gardner's Lane and Castle Lane. Mr. Madar seconded. All in favor, so carried.

Chairman Holman read the following conditions:

1. All erosion and sediment control provisions for the protection of the stream and wetlands areas previously discussed become part of this permit. Particular reference will be made to the recommendations of the Southwest Conservation District, Conservation Commission, Valley Regional Planning Agency, City Engineer and the assurances given the Commission by the permittee and his engineers and the permittees' erosion and sediment control plan, as amended to include these recommendations and assurances.
2. This permit is to construct twenty-three (23) single family dwellings in a twenty-three (23) lot subdivision.
3. There will be no further subdivision of the property and the permit is only for the activity attested to before this Board by the applicants and his engineers, and is not transferrable or assignable without the written permission of the Inland Wetlands Commission and will expire within five years from the effective date if not completed.
4. There will be no further structural development on this site.
5. All erosion and sediment control provisions for the protection of the stream area and the pond area previously discussed become part of this permit. (Tributary to the Naugatuck River and Colony Pond)
6. The storm sewer systems shall be kept completely free of any and all debris, sediment, or degradation during construction and after completion of this project.
7. Construction and maintenance of the project shall also proceed within the guidelines of the SWCS, Soil Erosion and Sediment Control for the State of Connecticut written by the SWCS/USDA. This book shall be kept and constantly used on the construction site along with a copy of this permit.
8. The downstream/adjoining wetlands, stream and channel must be kept completely free of any and all encroachment, dumping debris, debris sediment or degradation during and at the completion of this project in perpetuity.
9. There will be a double row of silt fencing on the property during the construction and an erosion control mat will be used.

10. All developments over five (5) acres must provide evidence of a Storm Water Registration from the DEP as required by Law. A copy of said registration for the subject subdivision must be provided to the Inland Wetlands Commission prior to commencement of any activity.
11. An aggressive landscape plan that includes planting the detention pond with herbaceous vegetation to aid in storm water renovation will be required and must be submitted to the Inland Wetlands Commission.
12. The permittee must certify where the stumps and debris from the site are being taken and dumped, with proof of dumping fees paid from an approved bulky waste landfill.
13. There will be no car washing, repairing or exchanges of vehicular fluids allowed on the premises during or after construction. Hydrocarbon collection devices shall be installed in storm sewers and maintained/cleaned regularly by the applicant or his agents.
14. The permittee will provide for the proper amount of top soil as needed after construction to landscape the site in accordance with the SWCS guidelines.
15. No sedimentation can be allowed to accumulate in any of the detention basins. No more than 24 inches maximum accumulation of sedimentation can be allowed to accumulate in any of the detention ponds during construction and the sedimentation ponds must be cleaned out.
16. Improvements to the sedimented culverts and detention basin into which storm water from this project will be discharged must be completed by the permittee before other project construction begins. Such improvements include the removal of accumulated sediment in storm sewers and the construction of the detention basin and all other storm water systems. No net increase in flow at any level storm up to and including 100 year may occur as a result of this project. The close proximity of homes to this flood prone stream is noted and they must be protected.
17. During all phases of project work, all persons and firms who are retained for the purpose of grounds maintenance shall have such licenses as are required by the State of Connecticut for the conduct of such work. The property owners will require the applier and corporation/firm applying any chemicals to record the quantity and dates of application and type of all materials applied. These records will be retained by the Property Owner for three (3) years and be readily available for inspection by any agent of the Commission.
18. A professional engineer will be responsible for the implementation of sedimentation and erosion control measures during the construction phase of the project.

19. All the Class B permit conditions that are applicable to the application will be incorporated into this permit.
20. All drainage systems must be built according to the approved maps presented to the Commission by the applicant's engineer. (15" pipe from N. Prospect St., detention basin, all on site drainage and off site drainage)
21. Silt Fence and hay bales are installed as needed for erosion and sedimentation control during construction.
22. Anti-tracking mud apron will be installed. A gravel tracking pad must be installed prior to any heavy machinery being placed on the development to prevent tracking mud onto the roadway.
- 23.
24. There will be on site storage for the material being used on the site during construction.
25. All drainage calculations must be up to and including a 100 year storm and approved by the City Engineer.
26. A copy of the July 2011 Soil Report prepared by Ken Stevens is to be submitted to the Commission for the record.
27. The permittee shall immediately inform the Inland Wetlands Commission of problems involving sedimentation, erosion, downstream siltation or other environmental problems in the course of or caused by the work herein authorized. In the event that such notification does not occur, a \$100.00 site inspection cost shall be assessed to the permittee for each site inspection necessitated by any non-compliance with the conditions of this permit. A minimum of three site inspections will be necessitated for each violation discovered.
28. The Applicant must provide to the Inland Wetlands Commission a copy of the Homeowners Association Agreement and a copy of the Homeowners Association Maintenance Agreement for the detention basin and drainage system.
29. A \$500.00 Permit Fee per dwelling unit: \$11,500 permit fee will be paid to the City of Ansonia, Inland Wetlands Commission by the applicant for this permit to become effective. Should the permittee at any time be remiss to his obligations of the Permit # 2011D, or the site work prove to be more difficult than anticipated, the Inland Wetlands Commission can increase this permit fee to cover the additional expenses.
30. The permittee must provide the City of Ansonia, Inland Wetlands Commission with a \$50,000 Cash Bond to insure proper performance and compliance with the conditions of this permit.

31. This permit is not a valid permit until the permit fee and cash bond have been paid.

Mr. Nesteriuk said all other towns submit a cost to the City Engineer for the bond.

Mr. D'Amico said he will have to look at it to make sure it covers the E&S measures.

Attorney Hoyle asked if he could request a surety bond.

Mr. D'Amico said the bond has to be approved by the Corporation Counsel.

Attorney Welch said there was an appeal in court regarding cash bond vs. surety bond. He said the courts do not uphold a cash bond if appealed.

Chairman Holman said amend to Surety bond or letter of credit. He said the permit is not valid until all fees and bonds are paid.

Mr. Madar said the cash bond amount is \$50,000.

Mr. D'Amico said \$50,000 surety bond will be OK.

Mr. Madar questioned a letter of credit or surety bond stating if that is what will be posted the commission should go higher on the amount so that the City is covered.

Mr. D'Amico said the City will be covered by the bond. \$50,000 is on the high side and the applicant will have to pay a percentage of the bond.

Mr. Madar made a motion to adjourn the meeting at 6:00 p.m. Mr. Gould seconded. All in favor, so carried.

Respectfully submitted,

  
Jo-Lynn Flaherty  
Secretary