



City of Ansonia
INLAND WETLANDS COMMISSION

253 Main Street
Ansonia, Connecticut 06401

October 6, 2011

Regular Meeting

RECEIVED FOR FILE

11 OCT 11 PM 7:32

Elizabeth Lynch
TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

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

Absent: Kevin Cegelka

Others present: Fred D'Amico, City Engineer
James Tanner, Zoning Enforcement Officer/Blight
Marjorie Shansky, IWC Special Counsel

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.

Executive Session

Mr. Phipps made a motion to go into Executive Session at 7:03 p.m. to discuss pending litigation. Mr. Jones seconded. All in favor, so carried.

Mr. Phipps made a motion to go back into regular session at 7:30 p.m. There were no votes taken during Executive session. Mr. Madar seconded. All in favor, so carried.

Mr. Phipps made a motion that the Inland Wetlands Commission authorizes Attorney Marjorie Shansky to engage in non-binding settlement discussions on the Machowski property and come back to the Inland Wetland Commission. Mr. Jones seconded. All in favor, so carried.

Approval of Minutes

Mr. Phipps made a motion to accept as written and place on file the minutes of the June 30, 2011 Special Meeting and the September 21, 2011 Special Meeting/Site Inspection. Mr. Gould seconded. All in favor, so carried.

Approval of Bills

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

1. Marjorie Shansky: Inv. 4345 Bill for Legal Services Machowski Property: \$1382.50

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. NCW Dev. Inc. William Griffin re: request to release \$10,000 IWC bond for 48 & 50 Prindle Ave. dtd. 9/16/11
2. Prestige Builders/A.J. Grasso request to release IWC bond for lots 1,9,11,12. dtd. 6/17/11
3. Steve Williams request to be on agenda re: 187 Hill St. water problems. Dtd. 9/22/11
4. CT Dept. of Energy & Environ Protection Re: 2011 Legislation & Regulations Advisory dtd. 9/8/11

Public Session

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

Darlene Lisi
180 Prindle Ave.
Ansonia, CT 06401

Mr. Jones and Mr. Phipps left the meeting at this time.

Mr. Madar made a motion for a 5 minute recess at 7:30 p.m. Mr. Gould seconded. All in favor, so carried.

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

Chairman Holman explained to those present that at the last site walk some of the commissioners were insulted by the way they were treated. The members are all volunteers and are trying to do a service for the City of Ansonia and protect the wetlands and watercourses. These volunteers deserve to be treated as human beings. He asked the public to bear with the commission as they are not engineers but people trying to do the best that they can.

Maribel Johanson
178 Prindle Ave.
Ansonia, Ct

Ms. Johanson said they understand this and they deserve respect also.

Perry Lisi
180 Prindle Ave.
Ansonia, CT 06401

Mr. Lisi said no disrespect but the City officials were not helpful. You are public people and you are supposed to help us. We are getting flooded for 18 years and there has to be some resolution. Someone said it's my fault because we had wood stacked in the back of our yard near the brook. The brook floods and the wood is washed out into the brook. He said he pays his taxes and the City has a responsibility to take care of the residents. The maintenance of the brook or the park needs to be taken care of by the City. I told my wife to watch her temper. This is a problem for us and you should refrain from disrespecting us and we will do the same.

Gary DeLibro
4 Shortell Drive
Ansonia, CT

Mr. DeLibro said his house is the first house on the right hand side entering Shortell Drive. He owns the corner lot. The brook is between his lot and his house. He said there is not flooding issues on his property but after the water gets past Mr. Steve Williams nursery it comes out like a jet, washing massive boulders that were put there. The water took out a tree in the recent torrential rains. He moved into his home in December 2010. During heavy rains, the water in the brook turns to white water rapids. The water goes two feet above the 4 foot pipe and fills the ravine with a whirlpool and massive suction sounds. It washed the retaining rocks and every storm has been hitting the rocks. He is new to the area and it seems the flooding is all the way back to Mr. Lisi's home on Prindle Ave.

Mr. DeLibro said he is concerned about the large rocks being moved and the washing down of the trees. He is here this evening to find out what can be done about it. The water was always there and the problem keeps getting worse and worse.

Chairman Holman asked if there was anyone else from the public who wishes 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.

Prestige Builders/A.J.Grasso: request to release bond Hunters Lane

A.J. Grasso was present.

Mr. Grasso said he is here to ask the commission to release the bond on three (3) houses that he built on Valentine Court.

Chairman Holman asked him how many houses are in the subdivision.

Mr. Grasso said the last houses completed are: one a C.O. was issued on 8/21/08 and two houses the C.O. was issued on 3/19/09. There are 12 lots in total in the subdivision. He said he has sold two houses and two houses are occupied and rented (owned by Grasso). He said it may be a decade before he is finished with the Subdivision. He said he is asking for release for three houses.

A discussion followed on the procedure for release of bonds. The permit issued states three years after the completion of the last house.

Mr. Madar said that Mr. Grasso agreed to this when he accepted the permit.

Mr. Grasso asked what is the option. He said the commission shouldn't hold all of his money until the last house has been completed for three years. After stabilization of the site what will happen. The whole idea is to lump 12 bonds together and wait until I can get it back. No one does it that way. What will change to make the property unstable? He continued stating he finished one house in 2008 and two in 2009. The lawns have been there since then and there have been no problems.

Chairman Holman said you don't come before IWC saying that you are 80% to 90% complete. You have one house.

Mr. Grasso said what if he wants to hold one lot out and not develop it.

Mr. Madar said one house meets our criteria he can get his bond back for one house if Mr. D'Amico approves it. Give him back what the bond is for one house and as he completes the houses and meets the 3 years he can come back again.

Mr. Grasso said understand that grass has been planted and is growing for 3 years. He said he didn't get a C.O. because he didn't want to increase his property taxes. He said the IWC bond is \$36,000 and the City also has a \$90,000 site surety site bond.

Mr. D'Amico asked what the \$90,000 bond was for.

Mr. Grasso said it may be a P&Z bond.

Mr. Madar said we are dealing with \$36,000 not \$90,000.

Mr. Grasso said no one else (other municipalities) has a bond for more than one year. He said he appreciates the fact that one house is more than three years but this commission is the only one doing it that way.

Mr. D'Amico said three lots are stable but it is up to the Inland Wetlands Commission to release the bonds for these three houses. There is no question the first lot is over three years. The other two are March 2009 so they are close to three years.

Chairman Holman asked the members if they wanted to release one lot.

Mr. Jones said the commission should stick with the regulations and be consistent.

Mr. Grasso said what if he never finishes the subdivision. The bond will be held?

Mr. Jones said the commission should go by whatever the regulations say.

Chairman Holman said he agrees.

Mr. Grasso said that is a total of 10 lots left.

Chairman Holman said the IWC took \$36,000 or are we looking at per lot? Every lot had a bond of \$3000. He said he is not in agreement to release three lots. He interprets that one lot is to be released. He said the Commission can't interpret the regulations. He would prefer to wait for our attorney's interpretation.

Mr. Grasso said if they are all linked together he wouldn't get his bond back until all are complete.

Chairman Holman said it is a legal question and he doesn't want to make any decisions. He wants to do what is fair and do it right so the commission will seek legal counsel.

Mr. Jones made a motion to table until the commission receives legal counsel. Mr. Phipps seconded. All in favor, so carried.

NCW Dev./W.C. Griffin: request to release bond 48 & 50 Prindle Ave.

Mr. William Griffin was present.

Mr. Griffin said his project is 100% complete and he is asking for a reduction of his bond. He would like to have \$9000 released and the IWC can hold \$1000 for 3 years.

Chairman Holman asked if he had the Certificates of Occupancy for these houses.

Mr. Griffin said they were sent with the letter requesting the release of the bond.

The secretary said that she told Mr. Griffin he needed to get the C.O.'s for a release of the bond because they were not with the letter received by the Commission.

Mr. Griffin said he will bring them in.

Chairman Holman said that the Commission will wait before they release any bond money to get an opinion from counsel.

Mr. Madar made a motion to table to the next meeting. Mr. Jones seconded. All in favor, so carried.

Maribel Johanson, 178 Prindle Ave. water problems

Maribel Johanson was present.

Ms. Johanson said that the commission had a meeting at her house and it didn't go too well. She said she has lived there for 7 years, purchased the home in 2004. There have been four floods a year and she has been going to the City and talking to the Mayor to get this problem resolved. She said she started to build a wall and Joe Maffeo said that she couldn't. The water came in the door and ruined her furniture. Once they cleaned the brook and the pipe in the back the water stopped.

Chairman Holman asked when the City came out and cleaned it up.

Ms. Johanson said one week before Hurricane Irene they came out and cleaned the culvert and gave her sand bags. She said she appreciated what they have done but it is not enough. It has to be fixed. She doesn't know what to do.

Mr. D'Amico said the Johanson property and the adjoining Lisi property were walked because they are connected and the brook goes through both properties. The brook flows to the culvert and passes under the road on Doyle Drive. The culvert was flooding bad in the rain storm and it backs up and flows over the banks onto their property. There is wood stored on pallets along the bank of the brook and once the water backed up and carried the wood and pallets to the brook and culvert it completely clogged up the area. They ran a TV camera in the culvert under Doyle

Drive to the baseball park about 300 feet out in the infield area and there was a pallet and fire wood stuck in there causing flooding. The water that overflowed to their property took the pallet and fire wood and carried it down into the culvert and pipe. The City cleaned the culver and pipe. If this culvert and brook is kept clean it will not back up. Public Works has cleaned this area out two or three times. The wood is stacked up against the brook and it should be moved back. Because the wood is stored there once the water picks up the wood and carries it into the culver there is a problem. No wood should be stored there – it should be back away from the brook. PWD can keep the culver clear so it doesn't back up if there is no wood and pallets in there.

Mr. D'Amico continued saying that Public Works Dept. will clean up the entire area prior to entering the Johnson property. That will help the area so the water doesn't go outside the brook. The brook turns there at that point and ties into the other brook. Ms. Johanson started building a wall there and she was told to remove it because she was on wetlands and near the watercourse. The City of Ansonia does not own the wetlands and watercourse but the City regulates any activity in the wetlands.

Ms. Johanson asked who owns the wetland?

Mr. D'Amico said the property owner owns the wetland. The City will clean out the brook prior to the brook entering your property.

Chairman Holman asked if anyone has spoken to the State of Connecticut about this.

Mr. D'Amico said Mr. Schryver and himself followed the brook up to the field and nothing has changed in fifteen (15) years. He said they don't understand why this is happening. The property owners along the brook have to keep the brook clean and the culvert clean especially along the brook's edge – no pallets of wood should be stored there that can be carried into the culvert. Encroachment on the brook will also cause problems.

Chairman Holman said he spoke to Mr. Schryver and asked him to do some cleaning in that area of the culvert if the neighbors agree to keep the pallets and wood away from there. He asked Mr. D'Amico to find out about Emmett O'Brien and the State Regulations so down the road we know we did everything we could.

Ms. Johanson asked who is responsible for the damage to her property. Who is responsible she asked. She said the City of Ansonia doesn't clean anything in there beginning with her yard. Who is going to clean up the damage done to her yard and property.

Chairman Holman asked who she contacted.

Ms. Johanson said she has spoken to the State of Connecticut and asked them to remove the brook from her yard and property. She said she will give Chairman Holman the number of the person she spoke with from the State of Connecticut. She also contacted FEMA.

Mr. Gould made a motion to table Maribel Johanson, 178 Prindle Avenue and Steve Williams, 187 Hill Street to the next meeting so that Chairman Holman can speak with the State of Connecticut. Mr. Madar seconded. All in favor, so carried.

Steve Williams, 187 Hill Street water problem

Mr. Steve Williams was present.

The Commission explained the reason why they tabled his letter. They told Mr. Williams that his property is in the same water shed area as Ms. Johanson's and they want to wait until Chairman Holman has an opportunity to contact and speak with the State of Connecticut.

17 Hodio Drive – Takacs Property

Mr. Tanner explained there is a court date set for October 13, 2011. There is no action on the property and no permit fees or bond have been paid.

34 Benz Street – Marcucio Property

Mr. Tanner explained there is an extension court date set for October 20, 2011.

Violations

Mr. Tanner said there are no violations.

Any other business to come before the Commission

Mr. D'Amico said he walked the site at Steve Williams property and there are three pipes under the road and three big culverts. About 100 feet downstream is one 24" culvert that someone put in. Mr. Williams said the Army Corp of Engineers put it in. It is an elliptical culvert.

There was discussion on the brook in that area and the pipes in the brook. Mr. D'Amico said there are three 36" pipes and one 24" pipe and downstream there is a 40"-48" pipe – which is in between a 24" culvert. That is what is causing the problems. Someone put it in and it should be taken out. Chairman Holman said it is not only the City of Ansonia's responsibility but also the State of Connecticut. We have to get them down here.

November Meeting

The November meeting date is Thursday, November 3, 2011 at 7:00 p.m.

Adjourn

Mr. Gould made a motion to adjourn the meeting at 8:35 p.m. Mr. Madar seconded. All in favor, so carried.

Respectfully submitted,



Jo-Lynn Flaherty
Secretary