

Regular Meeting

January 8, 2009

Present: David Knapp, Chairman
Wendyann Anderson
Kevin Cegelka
Tim Holman
John Jones
David Madar
Ed Phipps

Others Present: Steve Blume, President Board of Alderman
Kevin Blake, Corporation Counsel
Fred D'Amico, City Engineer
Gene Sharkey, Alderman

The Regular Meeting of the Ansonia Inland Wetlands Commission was called to order at 7:40 p.m. by Chairman David Knapp.

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 December 4, 2008 meeting. Mr. Madar seconded. All in favor, so carried.

Approval of Bills

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

1. Nafis & Young: Inv. 543-08 dated 11/30/08 Bill for Engineering Services for Melrose Estates Subdivision: \$2400

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. Cegelka seconded. All in favor, so carried.

Public Session

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

Jim Zelem
Shortell Drive
Ansonia, CT 06401

Mr. Zelem asked if the Commission received his letter regarding Mr. D'Amico. He said that Mr. D'Amico was on the Machowski property checking his topos when the Inland Wetlands Commission said it was a conflict of interest and he should not be there. Mr. D'Amico told Mr. Zelem that he was checking his topos because the engineer said they were incorrect. He said the City has hired another engineer for this project and Mr. D'Amico should not be involved.

The letter was received from Mr. Zelem and is on file in the Town Clerk's office.

Ted Worobel
5 Hunters Lane
Ansonia, Ct 06401

Mr. Worobel said he is opposed to Melrose Estates because there are a lot of wetlands on the property and it should not be passed. He submitted pictures on the amount of water that flows off the hill behind his property. Some of the pictures are dated and some are not dated. The property stays wet and never dries out.

Mr. Worobel presented 10 pictures showing the water runoff to his property. He stated that the water runs constantly.

Dave Alexander
40 Hunters Lane
Ansonia, Ct 06401

Mr. Alexander said he is opposed to this project. There is a lot of water flowing off the hill and once the trees and top soil is removed it will worsen the conditions there for the adjoining property owners on Hunters Lane. He said that it is costing him \$10,000 right now to dry out his basement. He suggested that the developer should redesign the project to change the water flow.

John Izzo
12 Shortell Drive
Ansonia, CT 06401

Mr. Izzo said he is opposed to the proposed Melrose Estates Subdivision. He said he is aware that Attorney Thomas asked that this be tabled because they are redesigning the entire subdivision. He reminded the commission that they have Nafis & Young and SWCD as their consultants on this project. He said that the plans provided by the developer were flawed and Mr. D'Amico's survey was flawed. He said Corporation Counsel Blake instructed Mr. D'Amico to stay away from the process, it is a matter of ethics, this can put the City in jeopardy for good legal recourse - there is a conflict of interest. The Nafis & Young report stated that 6 ½ of the 10 acres will be disturbed.

Corporation Counsel Blake said that this matter is being tabled and the commission should not take evidence because the applicant is not here. If you are talking for a lengthy time the applicant could take issue.

Chairman Knapp said that this is the public session.

Corporation Counsel Blake said on the side of caution you should not discuss this application.

Mr. Izzo advised the commission members to be fair, to be informed when the applicant comes before the commission next month. He said the applicant will come within a few days before the next meeting with the plans. He advised the commission that they will need professional opinion on this proposal as the applicant has a very good attorney in Inland Wetland issues. Keep an open mind and go to the Southwest Conservation District report and the Nafis & Young report and you will have good guidance.

Chairman Knapp gave the pictures back to Mr. Worobel.

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

John Marcucio: Violation 34 Benz Street (K.Blake)

Corporation Counsel Blake said this is still in Court. There is no new progress.

Ray Sadlick/TWC Dev. LLC: Request for IWC permit for 55+ housing located at Hull St./110 Clarkson St. (10/1/08 – 12/05/08 is 65 days Extension to 2/8/09)

Mr. Clifford Hoyle, Mr. Ray Sadlick, Mr. Frank Hoinsky and Mr. Holt McChord were present.

Mr. Hoyle said that Mr. McChord will do a presentation of the re-designed plans and he will give the members a copy of the new map. He said that the commission can refer the new map to Mr. D'Amico for review.

Mr. Holt McChord said that the project is before the Inland Wetlands Commission and the application was presented and comments were received back. The site is 4 ½ acres adjacent to Rt. 8. It fronts on Hull Street, Clarkson Street and Dwight Street. There is an existing house on the property as well as a 50 foot power line easement. The regulated area of wetlands on the site is the existing detention basin. The detention basin is no longer used for Rt. 8. The primary storm drainage does not go there, it is piped down to Hull Street. The plan is for 26 units with access from Hull Street. They will retain the existing residence.

Mr. McChord continued stating the 26 units are three (3) units in each one of the buildings. He said they received the Southwest Conservation District report and they are responding.

Mr. McChord presented the Commission members with the updated maps at this time.

Mr. Madar said the rear detention pond was the proposed RV parking area.

Mr. McChord said they will fill in the quarry but that is not a wetlands concern – but it is a concern. They removed three units near Clarkson St. and two units off of the other units proposed to be built on the fill. They reduced the units from 26 units to 21 units. They moved the RV parking to the top left of the map. Two spaces were reduced from 13 spaces to 11 spaces for the RV parking.

Mr. Phipps said that 1, 2, 3 units that are in the back of Greg & Mary Schumacher – it looks like there are hay bales and then a drop off. The commission was concerned with that area.

Mr. McChord said the property drops straight down in that area. On the Dwight Street side there are two units (1,2,3) and (4,5,6) that have garages below. This area drains down to the detention pond.

Mr. Holman said originally buildings 7 & 8 and 9 & 10 were in question and were being eliminated.

Mr. McChord said to look at the site plan, there is not a lot of grading in the back of 7 & 8 and 9 & 10.

There was discussion on the 100 foot buffer area. Mr. McChord said that 7, 8, 9 had significant grading. They are not doing earth work in that location.

Mr. Holman said you just submitted this plan tonight. It is subject to our review and our engineer's review.

Mr. Phipps made a motion to submit the new revised plans to the City Engineer for review and comment. Mr. Holman seconded. All in favor, so carried.

Chairman Knapp said the City Engineer will review the plans and report back to the commission.

Mr. Holman said they did make some changes that have to be looked at.

Mr. McChord said they will rebuild the outlet structures and improve the area.

Mr. Jones asked about the filling of the quarry. He asked if they are using engineering process to do that and if they have a driveway.

Mr. McChord said he can supply all of that information to the commission. CD1 and CD2 show this.

The commission requested a map of the cross- section of the compacted fill to be submitted along with the above information.

TUG LLC/Estate of Casmir Machowski: Request for IWC permit for 55+ housing located off Hill Street at the end of Shortell Drive

Mr. Dominic Thomas, attorney for TUG LLC submitted a letter requesting this be tabled.

The secretary read the letter.

Mr. Phipps made a motion to table. Mr. Jones seconded. All in favor, so carried.

NCW Dev/W. Griffin request for IWC permit for 4 lot subdivision known as Benz Street Estates located on 54 Benz St.

Mr. William Griffin, NCW Dev. and Mr. James Swift, Engineer were present.

Mr. Griffin said the commission has received the Southwest Conservation District report and his Engineer's soil report. There is not a roadway all houses have frontage, there is no wetlands on the property and all the commission is looking at is soil and erosion control.

Mr. Madar asked Mr. Griffin if he thought about changing his plan per the suggestion from SWCD.

Mr. Griffin said they did however P&Z doesn't allow it. He explained the location of the lots on the property along with the driveway locations.

Mr. Jones asked where the drainage would go.

There was discussion on the drainage and Mr. Griffin said it would go to the storm sewer.

Mr. Griffin said he built the home on 50 Benz Street (rear lot) that is just a few houses away from the site. There is no rock on the property at all. He said there is an 8 foot difference in height from the road so there will be a lot of excavation for the driveway.

Chairman Knapp said there is a long driveway proposed.

Mr. Griffin explained where the existing house is located and where the other three lots will be situated on the site.

Chairman Knapp said the corner is a bad corner and it is high.

Mr. Griffin said he plans to rebuild the wall in back of the sight line.

Mr. Holman said the commission should conduct a site walk.

The members all agreed.

Mr. Phipps made a motion to hold a site inspection on Saturday, January 17, 2008 at 10:00 a.m. Mrs. Anderson seconded. All in favor, so carried.

Steven Bellis/White Hills Homes request for IWC permit for 4 lot re-subdivision known as Meadow View Estates Located on Hoinski Way

Mr. Steven Bellis, attorney, Mr. Dan Della Volpe and Mr. James Swift, Engineer were present.

Mr. Bellis said this site is part of the old Ansonia Airport. There is 44 acres and an 88 lot subdivision known as Woodbridge Approach Subdivision. This land is not part of the Subdivision. It is at the end of the road and is Parcel A and Parcel C. There is an easement in favor of the Ansonia Rod & Gun Club regarding emitting noise. In April 2007 they purchased the piece. There is rubber buried there. DEP permitted covering of that rubber December 1992. It was a positive impact to cover the rubber.

Mr. Bellis continued stating he submitted a report where they tested the ground water and tested the soils. Page 8, 9, 10, 11 discusses monitoring of well and ground water. There are no metals detected and no hazardous materials. DEP said they don't have to come before them because there are no hazardous materials that was December 15, 2008. Their soil scientist reported in April 2007 there are no wetlands or watercourses on the site.

Mr. Holman asked how far away from the rubber are they planning to build.

Mr. Bellis said he is not an engineer however the Inland Wetlands Regulations state 100 feet but there are no wetlands - this is a Class A activity.

Mr. Swift said the rubber is identified on the plan. It is 5 feet to 6 feet away from that limit.

Mr. Madar asked - to the house?

Mr. Swift said 5 feet away – we will not let him dig up the rubber.

Mr. Holman said you are not going to disturb any rubber?

Mr. Bellis said any rubber excavating they will take it to an offsite solid waste facility.

Mr. Jones said DEP said it was contaminated.

Mr. Bellis said it is bulk waste – not contaminated. We had ground penetrating radar and went out there to locate the rubber.

Chairman Knapp said what happens when the homeowner wants a built in pool or a shed.

Mr. Bellis said the homeowner can't do it. He can't have a built in pool or shed on the property.

Mr. Swift said the middle of the house will be put in a certain area on the site away from the rubber.

Mr. Bellis said you can't put in a pool on the property.

Mr. Cegelka asked if the former Chairman of P&Z can share some information on this site because he is very familiar with the property and the subdivision.

Gene Sharkey, former P&Z Chairman addressed the commission. He said that DEP said going north and south of the runway - on the south side the material had to be removed where the road is and it was taken off site. There is a large concentration of rubber there. The north – Parcel C was separated out from the subdivision because the commission refused to allow that parcel to be part of the development. DEP in 1993 didn't know the chemicals used in the rubber. These are the same chemicals used in the materials that ended up in Sullivan's Island which is now a Brownfield. P&Z Commission said that parcel was not to be used as a building lot – our intention was that parcel was not to be a building lot.

Mr. Sharkey read a letter dated December 1, 1992 from the Inland Wetlands Commission. He said that P&Z considered this area a landfill.

Mr. Bellis said it is not part of the Subdivision. The land we purchased is not part of this subdivision.

Mr. Phipps made a motion to table this to get legal advice from our attorney. A letter was presented and entered into the record. Mr. Holman seconded. All in favor, so carried.

Mr. Bellis said he has to go to P&Z and WPCA. He is representing the application on wetland issues and if there is wetland issues the application would be a Class B and you could grant it without delay. He said that this is a Class A application.

Mr. Phipps noted that this application was withdrawn from the P&Z because they have a 65 day clock.

Mr. Holman said he respects Mr. Bellis as an attorney however there are a lot of questions that need to be answered and addressed.

Chairman Knapp said the application is tabled and the commission will seek legal advice.

Mr. Holman made a motion to hold a site inspection after 54 Benz Street site inspection on Saturday, January 17, 2009 at 11:00 a.m. Mr. Cegelka seconded. All in favor, so carried.

Mr. Sharkey said that there were many underground fires at the Airport where the rubber that was buried there (underground) burned. These fires burned for days. There was a cover plan for the north end.

**Joseph Cartenouto request for IWC permit for rear lot located on Deerfield Drive
For single family dwelling.**

There is no one present.

The application is incomplete (missing fee, soil report, tax release from Tax & Sewer, statement of use, disclosure form).

Mr. Madar made a motion to deny without prejudice because the application is incomplete. Mr. Phipps seconded. All in favor, so carried.

Violations: WAS – Detention Basin

Mr. D'Amico submitted a letter stating all work has been completed at the outlet structure and the level spreader appears to be working properly with no indication of erosion.

Mr. Cegelka made a motion to place the letter on file. Mr. Phipps seconded. All in favor, so carried.

A copy of the letter is attached and is on file in the Town Clerk's Office.

Violations: 17 Hodio Dr.

Corporation Counsel Blake said this is still in court. Mr. Blake said He, Mr. Crabtree and the applicant's attorney will meet with the owners of 17 Hodio Drive. Judge Moran said they have to go by the map.

Violations: 226 Prindle Ave.

Mr. D'Amico submitted a letter stating that all work has been completed and appears to be satisfactory as per the approved plans as requested. The contractor completed the installation of a drain directing the surface run off to the wetlands at the rear of the property. The work appears to have corrected the drainage deficiencies.

Mr. D'Amico explained the work that was done on this site to correct the problem. He said he would provide a new letter explaining the work and a revised map.

Mr. Phipps made a motion that Mr. D'Amico provide the IWC with a new letter and a map showing the drainage swale. Mr. Cegelka seconded. All in favor, so carried.

A copy of the letter dated 12/5/08 is attached and on file in the Town Clerk's Office.

Any other business to come before the Commission

Mr. Holman discussed the letter the commission received regarding Mr. D'Amico's integrity. He said Mr. D'Amico was verifying his own work – he was not doing anything for the commission or the applicant.

Corporation Counsel Blake said Mr. D'Amico was told not to get involved in anything, not to talk about it, etc. or it will be appealed.

Mr. Madar said when the commission was on the site walk Mr. Izzo said this is going to court.

Chairman Knapp said at the last meeting we sent a letter to the Mayor asking for an Inland Wetlands attorney and he approved it. He said the Commission will need someone for Shortell Drive.

Corporation Counsel Blake said that the commission will have to get funding for an additional attorney.

Monthly Meeting Time Change

Mr. Phipps made a motion to change the monthly meeting time from 7:30 p.m. to 7:00 p.m. beginning with the February 5, 2009 meeting.

February Meeting Date

The February meeting will be held on February 5, 2009 at 7:00 p.m.

Adjourn

Mr. Phipps made a motion to adjourn the meeting at 8:55 p.m. Mr. Cegelka seconded. All in favor, so carried.

Respectfully submitted,

Jo-Lynn Flaherty
Secretary