

August 6, 2009

Regular Meeting

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

Absent: Kevin Cegelka
David Madar

Others Present: Steve Blume, President Board of Aldermen
Tom Welch, Attorney
Bart Flaherty, P&Z Chairman
Mike Schryver, Supt. Public Works
Peter Crabtree, Zoning Enforcement Officer – arrive 7:10 p.m.

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.

Approval of Minutes

Mr. Phipps made a motion to accept as written and place on file the minutes of the June 4, 2009 and July 2, 2009 Regular Meeting and Public Hearing. Ms. Anderson seconded. All in favor, so carried.

Approval of Bills

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

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. Ms. Anderson seconded. All in favor, so carried.

President Blume introduced attorney Tom Welch to the commission members. Mr. Welch will serve as the land use attorney for Planning & Zoning, Inland Wetlands and Zoning Board of Appeals.

Public Session

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

Ed O'Connell
131 & 133 Jewett Street
Ansonia, CT 06401

Mr. O'Connell said that the water from the house on 3 Kiely's Lane is flowing down the hill behind his home and washing out his property. He presented pictures taken during the rain storm on 7/31/09.

Mr. Holman asked Mr. O'Connell if there was any wash outs on his property before the house was built.

Mr. O'Connell said no. The water is tremendous.

William Talcik
129 Jewett St.
Ansonia, Ct 06401

Mr. Talcik said he had pictures to present that were taken on 7/31/09. He said he is concerned that the trees on the property will become undermined with the amount of water flowing down the hill. He said he has never seen it like this before. There is damage to his property also.

Mr. Holman said for the record, two months ago he went to the site and spoke to Mr. Nocerino and told him that he had to install a double row of hay bales and silt fence to stop some of the erosion and water that was coming down the hill.

Mike Schryver
Ansonia, CT
Supt of Public Works

Supt. Schryver said that he has been up there with Mr. O'Connell a number of times. The amount of water and the speed of the water is incredible. Mr. Nocerino has put up some hay bales but with such a steepness of grade and force the water over takes them. The water goes into the detention area and it overflows. Mr. D'Amico has informed Mr. Nocerino on at least two occasions that he had to put in another detention basin but Mr. Nocerino told Mr. D'Amico that he wants that area for another lot. There has been no work done on the site to fix the problem.

Mr. Phipps asked about the attitude of the owner.

Mr. Schryver said he agrees but it is to pacify us.

Mr. O'Connell said he doesn't want to hurt anyone but he wants the problem fixed because he is getting damage to his properties.

Mr. Welch said the City can issue a Cease and Desist order.

Mary Paquet
Jewett Street
Ansonia, CT

Ms. Paquet said that she was flooded out at her home which is next door. She said there was three feet of water and a waterfall flowing when she arrived home and got out of her car.

Bart Flaherty
Ansonia, CT
Chairman Planning & Zoning

Chairman Flaherty said that ordinarily he doesn't come down to other commission meetings but he has sent the IWC a letter regarding the IWC permit that was issued to the owner. He said there is a twofold problem on this site. P&Z covers erosion and sedimentation control under State statute and for the last four or five months he has been calling the City Engineer to come up and see the problems on this site when it rains. There is a tremendous amount of erosion and sedimentation occurring on 131 Jewett Street and 125 Jewett Street from the development on Kiely's Lane. The City Engineer has contracted the Developer concerning the problems. Three or four weeks later the catch basin on Jewett Street was charged and Public Works had to come in a rain storm and clean it out. The Erosion and Sedimentation controls are inadequate and the

measures the developer took to mitigate the water coming down the hill is inadequate. The volume and velocity of the water is tremendous. He said he has been traveling down Jewett Street for 40 years going back and forth to work and he has never seen anything like this before. The water scoured the yard at 131 and 133 Jewett St.

He continued stating that it has to be addressed by the engineer who designed the detention basin. The City Engineer took the information given to him – the flow calculations, etc. And made the assumption that the licensed engineer who designed the plan did the calculations to handle a 100 year storm. It has a plunge pool and energy dissipater and both seem inadequate for the amount of water coming down the hill. Inland Wetlands should have the developer have whoever did the plan look at it again and redesign it to hand the amount of water coming down the hill.

Jerry Nocerino
Woodbridge, CT
Developer

Mr. Nocerino said he came to the Inland Wetlands meeting in good faith. There are three neighbors involved and the water is bringing a lot of silt onto their property. He is trying to resolve the problems and he is far from being finished. It is hard to work the property because there is mud but once the vegetation grows again and is in place it should stop. He said he gave his word to the neighbors that he would fix the problem and he will fulfill his promise. He said his promise to the neighbors is to build nice homes back there – he said he asked them to sign a petition in support of his efforts to build on the rear lots. Mr. Coldesodi was asked to take the surface water and he did that. Mr. D'Amico and I met to solve the problem. The detention basin is designed to take care of the water on Mr. Nocerino's property. There are two 4" pipes and one 20" pipe into the plunge pool. There is a shallow pan and a lot of stone. The big pipe is pitched into the stone and it slows down the water but it goes over the top and spills over and flows down the hill. He said he first has to contain the water.

He continued stating the City Street – Spring Street is 150 feet long and 35 feet wide and the water has been coming down this street as long as the neighbors can remember. It flows down the street across Kiely's Lane and onto my property. There is no City storm sewer to catch the water. The closest one is down Spring Street. The neighbor has a 4" to 5" curb built up onto his property. A lot of the water, a lot of the volume and a lot of the speed is coming from Spring Street. He said he is doing a good job – but you win some and you lose some. He has done a few things on the site – some are temporary and some are permanent in the last two days.

Mr. Holman asked what he did on the site.

Mr. Nocerino said the lot is a filled lot and there is 3000 yards of fill there. He sub graded the driveway and there is one catch basin at the road and he has installed two more catch basins and one catch basin at the driveway. There is a small drain at the garage foundation. He brought in a lot of rock.

Chairman Knapp asked if Mr. Nocerino's engineer has been out there to the site.

Mr. Nocerino said no. He talked with him on the telephone. The City wants to spend my dollar when it is city water going onto my property. He said the plan was designed and it was approved by your City Engineer.

Chairman Knapp said you can't say our City Engineer designed the plan. As Mr. Flaherty said you have to have your engineer come in and look at it and design the detention basin to handle the amount of water that is there.

Mr. Nocerino said he made a 15'x20' detention pond, put in 5 inches of rock and 3 catch basins. He installed hay bales and double silt fences. He has brought in 30 Mafia Blocks to hold up the hill and he is planning on bringing in 30 more. The City should be a little more lenient with him because it is the City's water.

Mr. Phipps said did you have any water problem prior to this gentlemen's project.

Mr. O'Connell said no, not like this in the 24 years that I have lived there.

Mr. Phipps said you had a normal life before it wasn't like that.

Mr. Nocerino said he is here to solve the problem for the people. He said in fairness to him he had no clue this amount of water was on the property. He said he has frustration.

Mr. Holman said to Mr. Nocerino to get his engineer back on the property and look at the problem. The plan he submitted is not working. Have your engineer re-do the specifications and plans to see what went wrong.

Mr. Nocerino said you send him a letter if you want him to do that. If it gets crappy I'll fight back you just wait and see. (Mr. Nocerino went on about what he would do)

Chairman Flaherty said you need engineered plans. He said he has a wall and that has to be engineered and approved before he goes forward. IWC really needs engineered plans for the water and the wall. The people need relief.

Supt. Schryver said the storm facility is 40 feet north of his property on Kiely's Lane. On Spring Street there is a berm in front of his property for the water which directs it to the storm facility.

Mr. Holman said has the City done anything on this property.

Supt. Schryver said we split it out – the water on Spring Street goes both ways away from his property.

Mr. Crabtree said there is a patio there on the steep slope – off the patio the soil is undercut on one of the blocks. This goes back to having a plan. You have this entire problem out there and it

is delicate where the soil is disturbed. If I send an order – not a cease and desist because we want him to do something on the site to fix it.

Mr. Welch said he has to alleviate the problem to comply with the violation of the permit and he has to submit new plans and comply with the plans. To serve an order under IWC you have to have a hearing.

Mr. Crabtree said he will draft a letter.

Mr. Welch said the time is now – pick a date.

Mr. Crabtree said he can draft a letter and send it out but he doesn't want to stop the work.

Mr. Welch said he disagrees – stop everything and fix the problem.

Mr. Jones said he agrees with Mr. Welch – stop the work and fix the problems.

Mr. Holman said he agrees with Mr. Welch also.

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

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

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

Mr. Jones made a motion to table because the public hearing was continued. Mr. Phipps seconded. All in favor, so carried.

Amanda Blume & Nick Bartone request for IWC permit for one (1) lot subdivision at 151 Benz St.

Mr. Steve Blume was present.

Mr. Blume said he has a one lot subdivision on 151 Benz Street. Planning and Zoning Commission approved it contingent on IWC approval. He said there are no wetlands or watercourses on the site.

Mr. Holman made a motion to hold a Special Meeting and Site Inspection on Saturday, August 8, 2009 at 9:15 a.m. Ms. Anderson seconded. All in favor, so carried.

Violations:

3 Kiely's Lane

Mr. Holman made a motion to issue a cease and desist order immediately for 3 Kiely's Lane. To request a new engineering plan to satisfy the requirements of the IWC permit and include the new walls. The Administrative Hearing will be on Thursday, September 3, 2009 at 6:30 p.m. Mr. Phipps seconded. All in favor, so carried

Mr. Holman made a motion that the Cease and Desist order be served by a Marshall. Mr. Phipps seconded. All in favor, so carried.

17 Hodio Drive

Mr. Crabtree said that the property owner came in with an offer and the City countered.

Mr. Welch said that they will be in court tomorrow. The case only had the P&Z violation not the IWC violation and it wasn't going to be heard however the two were combined and the owner has come to the table to solve the problem. He said there has been heavy rain and the property needs to be fixed. They also need an A-2 survey so the property line and wetland boundary can be determined. The property owner understands the situation now that they have a new attorney. The City has put off the trial to the first week of October to give them a chance to fix the problem.

Mr. Crabtree said that they have to get an A-2 survey to determine if they have encroached on the wetland. He said there was some discussion on the cost of an A-2 survey.

34 Benz Street

Mr. Jones asked about the Marcucio violation and what was happening with that.

Mr. Crabtree said he didn't know.

Mr. Welch said he will check with Mr. Blake on the status.

Any other business to come before the Commission

None

September Meeting

The September meeting is as follows:

Thursday, September 3, 2009: 6:00 p.m. - Continued Public Hearing Melrose Estates
Subdivision – TUG LLC
6:30 p.m. – Administrative Hearing – 3 Kiely’s Lane
Jerry Nocerino
7:00 p.m. - Regular Meeting

Adjourn

Mr. Phipps made a motion to adjourn the meeting at 8:10 p.m. Mr. Jones seconded. All in favor, so carried.

Respectfully submitted,

Jo-Lynn Flaherty
Secretary