



City of Ansonia
INLAND WETLANDS COMMISSION

253 Main Street
Ansonia, Connecticut 06401

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March 3, 2016

Regular Meeting

Present: Tim Holman, Chairman
Michael Bettini
Kevin Cegelka
John Jones
William Malerba
Larry Pellegrino

Others Present: David Blackwell, ZEO/Blight Officer
Thomas Welch, Attorney IWC

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

The secretary called the roll.

There was a quorum present.

Approval of Minutes

Mr. Bettini made a motion to accept as written and place on file the minutes of the January 7, 2016 Regular Meeting. Mr. Malerba seconded. All in favor, so carried.

Mr. Cegelka made a motion to accept as written and place on file the minutes of the January 7, 2016 Organizational Meeting. Mr. Bettini seconded. All in favor, so carried.

Approval of Bills

None

IWC030316

Correspondence

1. David Madar Re: Resignation from IWC. Dtd. 1/7/16
2. IWC to Corp. Counsel Marini re: T. Welch, Attorney to represent IWC Dtd. 2/5/16
3. Corp. Counsel Marini to IWC re; Authorization to hire T. Welch, Attorney Dtd. 2/5/16
4. D. Thomas, Attorney re: Request to be on agenda for 26 South St. Dtd. 2/29/16

Mr. Pellegrino made a motion to accept David Madar's letter of resignation. Mr. Jones seconded. All in favor, so carried.

Mr. Pellegrino made a motion to accept all correspondence and place on file. Mr. Cegelka seconded. All in favor, so carried.

Public Session

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

Lisa Hemingway
30 Wesley St.
Ansonia, CT 06401

Ms. Hemingway asked if there has been anything submitted for Wesley Street by Mr. Brennan. She said she brought pictures for the Commission.

Chairman Holman explained to the Commissioners what happened on Wesley Street. He said on January 27, 2016 he was called to the site on Wesley Street. There is a driveway located there and a large slope. Mr. Brennan brought in heavy machinery and was disturbing the watercourse, removing large trees and filling the area.

Mr. Blackwell said that they covered up the clean out that was located in the area where he was digging.

Chairman Holman said their attorney stated Mr. Brennan had a right to clean out his property. There were heavy machines there and they removed trees pulling them up with the roots and dumping them in the hole. He said that the City stopped them from doing any further damage to the area.

Mr. Cegelka said that he built a roadway.

Ms. Hemingway explained the pictures of the site that she had with her.

Chairman Holman said this area is next to the Route 8 corridor.

Ms. Hemingway said that they covered up the manhole that was on the property and buried it.

Chairman Holman said until Mr. Brennan appears before the Inland Wetlands Commission he cannot do any work on the site.

Mr. Malerba said that damage may have been done to the wetlands and watercourse and to the site.

Chairman Holman said we will try to recoup the damages.

Mr. Pellegrino said is this an unbuildable lot?

Ms. Hemingway said there are three (3) different waterways that go through there. They removed many trees.

Chairman Holman said they took trees and they dumped them there.

The IWC Commissioners reviewed the pictures Ms. Hemingway presented.

There was discussion on sending a letter to Mr. Brennan requesting that he uncover the manhole on the property known as 32 Wesley St./33 R Wesley St. Chairman Holman will contact Mr. Fred D'Amico, City Engineer and request that he inspect the area and send a letter on restoring the manhole and the area. Chairman Holman said there is fill, asphalt and bricks dumped on the slope. The hole was so large that you could not see the huge machine that was in there working.

Mr. Blackwell will look at the topo/aerial maps of the City for that area.

Chairman Holman said that they were told to remove their equipment. There were no fines. He said the Ansonia Police Dept. can assess fines.

There was discussion on Inland Wetlands having fines for violations that occur in the City wetland and watercourse areas. Chairman Holman suggested that fines for IWC violations be added to the regulations.

Attorney Welch said there are Statutory fines through the State of CT that can be applied. He will look into it and report back to the commission.

Chairman Holman asked if there was anyone else from the public who wished to address the Commission. He asked three (3) times. There was no one.

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

Attorney Dominic Thomas re: 26 South St./David McDermott

Dominic Thomas, attorney was present.

Attorney Thomas said he is here this evening representing David McDermott/DSR Properties LLC, owner of 26 South Street. He said he was retained for Zoning Board of Appeals because they were scheduled to appear before the ZBA. He said that there is a soil scientist report on the property. This report was done by Tom Pietras.

Chairman Holman explained to Attorney Thomas the course of events that occurred from October 2015 to January 2016 regarding the applicant and the application.

Attorney Thomas said there are no wetlands on the site. He explained that there is no IWC Officer and that is the reason IWC requires a soil report to make the determination as to whether there is a regulated or non-regulated activity. He said there was an apparent site walk by the commission on the site. He said he went to file the variance and he was told that the applicant was denied by Inland Wetlands. He said Wetlands gives permits for regulated activities. There are no wetlands therefore no permit is required.

Attorney Thomas said a year ago when Mr. Blackwell was the Zoning Enforcement Officer he declared the site to be a pre-existing building lot. Statements were made that the applicant needed a variance. The reason he needs a variance is because there are two rear lines on one side—the lot is on a corner. He said he consulted with David Elder. Mr. Elder e-mailed his review that it was a pre-existing legal non-conforming building lot and that either Attorney Thomas could get a variance or petition the P&Z Commission to change the regulations.

Attorney Thomas said when Mr. McDermott went for the variance at ZBA they mistakenly said that he had to go to Inland Wetlands first. He said the lot size he didn't need but the side yard and the rear yard he needs a variance. He wants to build a house on the lot. Mr. Pietras report says there are no wetlands on the property. He said he is looking for acknowledgement that there are no wetlands on the property. He said for him to get a building permit he needs the variance recorded, he needs a statement that the lot complies with zoning and he needs a statement that there are no regulated activities or if there are regulated activities he needs to have an IWC permit.

Chairman Holman said that this came from Zoning Board of Appeals to Inland Wetlands Commission. ZBA told the applicant that he had to come before the IWC. There were complaints from the neighbors.

Mr. Pellegrino said that he was standing in 12 inches to 14 inches of pooling water on the property during the site inspection.

Attorney Thomas said that issue will be dealt with.

Chairman Holman said there is a water problem on that land.

There was discussion on the water on the property and on the drainage on the land.

Attorney Thomas said once the applicant gets a building permit he will address it.

Chairman Holman said half the neighborhood showed up for the site walk. The commissioners observed the land.

Mr. Malerba said there is an intermittent stream that went through there and it was filled in by the neighbor. He said he lived there most of his life and he knows that stream was there.

Attorney Thomas asked what the normal course would be – does IWC require an application and a site walk. Once IWC gets to the point that there is no regulated area will he be able to get a building permit.

Mr. Bettini said the stakes are outside of the original boundary. He said he questions if the property was staked properly.

There was discussion on the position of the boundary stakes and whether they were moved from the original location.

Mr. Bettini said it is important for the applicant to be at the site walk to answer questions the Commissioners may have.

Attorney Thomas said he would like to get a determination of no regulated area on this property.

Attorney Welch said that there is no Wetland application pending before the Commission. The previous application was denied.

Attorney Thomas said he will refile a new application if the Commission wants one filed. He asked if the Commission can waive the fee.

Attorney Welch said Mr. McDermott has to file an application with the Inland Wetlands Commission.

Mr. Cegelka made a motion to waive the fee. Mr. Bettini seconded. All in favor, so carried.

Mr. Pellegrino said there was standing water 14 inches deep with a two to three foot circumference and that is a regulated wetland.

Attorney Welch said that the Commission can hold another site walk and they can retain their own soil scientist and engineer to inspect the property once an application is filed.

Chairman Holman said the secretary will send a letter to the neighbors advising them when the meeting and site walk will take place.

Deviate from the Agenda to elect a Vice-Chairman

Mr. Jones made a motion to deviate from the agenda to elect a Vice-Chairman. Mr. Malerba seconded. All in favor, so carried.

Mr. Malerba made a motion to elect Kevin Cegelka as Vice-Chairman of IWC. Mr. Jones seconded.

Chairman Holman asked three (3) times if there were any other nominations. There were none, he called for a voice vote. All in favor, the motion carried.

Kevin Cegelka was elected Vice-Chairman.

Violations

None

Any other business to come before the Commission

15 Greenfield Drive

Mr. Blackwell advised the commission that they should schedule a site walk for 15 Greenfield Drive. There is diverted water from the site and more rock is being added to the area where the water flows through the drainage swale. There are puddles of water where Mr. Palmieri diverted his water. He put rocks in the swale on Mrs. Gerdak's property on the right hand side pushing the water to her house. He re-positioned the swale.

Chairman Holman said that he, Mr. Cegelka and Mr. Blackwell will go up to the site to look at it. They will report back to the Commission.

7 Greenfield Drive

Mr. Blackwell said that he has been working with the engineer on 7 Greenfield Drive. Everything is falling into place but his plans weren't finished in time for this meeting. He asked if he can let him start work and he will come before the Commission next month.

Chairman Holman said that the Commission cannot do that. He has to come before the Commission with an application and his plans so the Commissioners can see what is happening

on the site. He said the problem with that is you have to be consistent and you can't do that. If you do that with one you have to do that for others. We treat everyone the same. They can get on the next agenda for the next meeting. If we have to do a site inspection we will schedule it. If there are no wetlands, then there are no wetlands. We have a procedure to follow for everyone.

Executive Session (if needed)

None

Adjourn

Chairman Holman thanked the Commission members for coming to the meeting this evening.

Mr. Cegelka made a motion to adjourn the meeting at 7:45 p.m. Mr. Jones seconded. All in favor, so carried.

Respectfully submitted,


Jo-Lynn Flaherty
Secretary