



City of Ansonia  
**INLAND WETLANDS COMMISSION**

253 Main Street  
Ansonia, Connecticut 06401

16 OCT 11 PM 4:00

*W. Jane Brand*  
TOWN AND CITY CLERK  
ANSONIA, CONNECTICUT

October 6, 2016

Regular Meeting

Present: Tim Holman, Chairman  
Kevin Cegelka  
John Jones  
William Malerba

Absent: Michael Bettini  
Larry Pellegrino

Others Present: Fred D'Amico, City Engineer  
Thomas Welch, IWC Attorney  
Joan Radin, 5<sup>th</sup> Ward Alderwoman

The Regular Meeting of the Ansonia Inland Wetlands Commission was called to order at 7:05 p.m.

All present rose and Pledged Allegiance to the Flag.

The secretary called the roll.

There was a quorum present.

**Approval of Minutes**

Mr. Cegelka made a motion to accept as written and place on file the minutes of the last meeting. Mr. Malerba seconded. All in favor, so carried.

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## **Approval of Bills**

None

## **Correspondence**

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

### 1. Application:

J. Sponheimer, attorney for Wesley Properties LLC/William Brennan re: 32 & 33R Wesley Street request for IWC permit to improve topography of the parcel to allow for the development of residential housing

2. Lisabeth Hemingway re: Wesley Properties, LLC- 32 & 33\$ Wesley St.

3. WPCA re: Permit 072016A - 35 Silver Hill Rd Easement

## **Public Session**

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

Lisa Hemingway  
30 Wesley Street  
Ansonia, CT 06401

Ms. Hemingway asked if there has been any work done to remedy the damage to the property on 32/33 Wesley St. She asked if there will be any remediation to the property at 32 & 33R Wesley Street.

Mr. D'Amico said they are on the agenda this evening and the Commission will know more information after their presentation.

Ms. Hemingway said the property was supposed to be remediated and there was supposed to be fines as well.

Mr. D'Amico said that Ms. Hemingway can ask these questions later in the meeting.

Ms. Hemingway said that she has been trying to get answers for months. She asked if the commission will allow questions during their presentation.

The Commissioners agreed to allow Ms. Hemingway to ask questions during the presentation.

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

**M. Horbal/R. Haddad re: Permit 072016A - 35 Silver Hill Road Update**

Mr. Michael Horbal and Mr. Robert Haddad were present.

Mr. Horbal said he received approval with conditions for 35 Silver Hill Road. One condition was approval from WPCA for the sanitary sewer easement through the property to Reichelt Terrace. They received this approval and a letter was sent to IWC.

Mr. Horbal stated he met with City Engineer Fred D'Amico to show the additional detail on the map. They added the erosion and sediment control, the ditch, the silt fence, the treatment of the intermittent watercourse and the easement to the Revised Map.

The Commissioners reviewed the revised map that was presented.

Mr. D'Amico said they added the easements and all the details we asked them to add.

Chairman Holman said Inland Wetlands received the letter from the WPCA. He asked Mr. Horbal if there was a letter from Mr. Gomez.

Mr. D'Amico stated the City of Ansonia will get that agreement with Mr. Gomez.

Chairman Holman asked the commissioners if they had any questions or concerns.

The commission agreed they did what was asked and they completed the items on the list. Mr. D'Amico said that Mr. Horbal addressed all the items IWC requested.

Mr. Malerba made a motion to accept the revised map for 35 Silver Hill Road. Mr. Cegelka seconded. All in favor, so carried.

Copy of the revised map is on file in the office of the Town Clerk.

**J. Sponheimer, attorney for Wesley Properties LLC/William Brennan re: 32 & 33R Wesley Street request for IWC permit to improve topography of the parcel to allow for the development of residential housing**

John Sponheimer, Attorney, Clifford Hoyle, Sr., Attorney, John Fanotto, Engr., Christopher Allen, Soil Scientist and William Brennan, owner were present.

Mr. Sponheimer said there are no wetland soils on the property. He read the letter from Christopher Allen, Soil Scientist, which stated there are no wetlands on the property. He said he has the report that states water drains from Route 8 down to the property.

Christopher Allen  
Land Tech  
Riverside Ave.  
Westport, CT

Mr. Allen stated he visited the site on May 7, 2015 and conducted an intensive soil evaluation of the property.

There was discussion on the test holes that were dug on the site to evaluate the soil. Mr. Allen stated he dug the holes down below and not on the plateau. He tested the low portion of the property because there is a pretty steep slope on the property.

Chairman Holman asked if the property was filled before or after the test holes.

Mr. Allen said the fill was there before he tested the site. He tested at the base of the fill.

There was discussion on the amount of fill on the site and the condition of the property before it was filled and tested. Mr. Allen said there are aerial photos of the site. There are two intermittent streams on the property. The aerial photos are dated between 1995 and 2000. He said he found no wetland soils. The property is moderately well drained and the water is from RT 8.

Mr. Allen, using the map, showed the members where the test pits were dug. He showed them the area that was tested on the map and where the intermittent watercourses that drain from Route 8 are located.

Mr. D'Amico asked if the intermittent watercourse started at a culvert off of Route 8.

Mr. Allen said he didn't know where it began or if it is piped.

Mr. Malerba asked what areas were filled in.

Mr. Allen, using the map, showed the members all of the filled area.

Mr. John Fanotto showed the members the contours on the map and the filled area on the property. He said there is 40 years of tree growth and vegetation in that area.

Chairman Holman asked Mr. D'Amico to pull the 1995 aerial maps of the City of Ansonia for the Commission.

Mr. D'Amico said the City of Ansonia contour maps go back to 1995. He will pull them. The fill will show as it was at that time.

Chairman Holman said the Commission will conduct a site walk. The IWC can hold the walk while we wait for Mr. D'Amico to get the records. He said he walked the site with Mr. Cegelka, Mr. D'Amico and Mr. Blackwell. He said Mr. Sponheimer and Mr. Fanotto were also present at that time.

Mr. Malerba made a motion to hold a special meeting/site inspection on Sunday, October 30, 2016 at 10:00 a.m. at 32/33R Wesley Street. Mr. Jones seconded. All in favor, so carried.

Mr. Cegelka made a motion to table the application until the site walk. Mr. Jones seconded. All in favor, so carried.

Attorney Sponheimer stated that the application has been tabled until after the site walk and no new information should be received by the Commission.

Ms. Hemingway stated that the Commission said she could ask questions during their presentation.

Attorney Sponheimer said that the application has been tabled and it will not be discussed at this time.

Attorney Welch advised the commission that the application has been tabled. Any questions regarding the violation may be taken up under violations.

Ms. Hemingway said how an application is being considered if there are violations.

Attorney Sponheimer said there was an order to Cease and Desist. Now we are applying for a permit.

Attorney Welch said IWC has an application that is tabled until the site walk. The Commission can make a determination if work was done at that time – you will see it.

Attorney Sponheimer said the Cease and Desist order was issued by the Zoning Enforcement Officer. There were no fines and we ceased work.

Attorney Welch said Planning & Zoning issued a Cease and Desist order. Wetland violations are yours.

Attorney Sponheimer said the Cease & Desist order cited a violation of the Ansonia Zoning Regulations – section 520 and section 610. We did what the ZEO told us to do. There is nothing before your Board.

Attorney Welch stated the application was tabled.

Mr. D'Amico said he will get the contours and aerials prior to the site walk.

Attorney Sponheimer thanked the Commission stating the application has been tabled and he will be at the site walk.

**Violations**

None

**Old Business**

None

**New Business**

None

**Any other business to come before the Commission**

There was discussion on the letter from Finance regarding a bond that is deposited in the Bank of America. Mr. D'Amico will research this and advise the commission of his findings.

November Meeting

Mr. Cegelka made a motion to cancel the November 3, 2016 meeting and reschedule it to Thursday, November 10, 2016 at 7:00 p.m. Mr. Jones seconded. All in favor, so carried.

**Adjourn**

Mr. Cegelka made a motion to adjourn the meeting at 8:00 p.m. Mr. Cegelka seconded. All in favor, so carried.

Respectfully submitted,

  
Je-Lynn Flaherty  
Secretary

IWC Meetings:

Sunday - October 30, 2016 – 10:00 a.m. Site Walk at 32/33R Wesley Street

Thursday – November 10, 2016 – 7:00 p.m. Regular Monthly Meeting

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