



City of Ansonia
INLAND WETLANDS COMMISSION

253 Main Street
Ansonia, Connecticut 06401

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CITY CLERK
ANSONIA, CONNECTICUT

November 10, 2016

Special Meeting

Present: Tim Holman, Chairman
Michael Bettini
John Jones
William Malerba

Absent: Kevin Cegelka
Larry Pellegrino

Others Present: Fred D'Amico, City Engineer
Joan Radin, 5th Ward Alderwoman

The Special Meeting of the Ansonia Inland Wetlands Commission was called to order at 7:05 p.m. by Chairman Holman.

All present rose and Pledged Allegiance to the Flag.

The secretary called the roll.

There was a quorum present.

Approval of Minutes

Mr. Malerba made a motion to accept as written and place on file the minutes of the October 6, 2016 meeting. Mr. Jones seconded. All in favor, so carried.

Approval of Bills

None

Correspondence

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

1. The Habitat, CACIWC newsletter dated Fall 2016

Public Session

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

Frances Jesulaitis
1 LoPresti Court
Ansonia, CT 06401

Ms. Jesulaitis stated she is a resident of Ansonia and lives at 1 LoPresti Court. She is here this evening with a concern regarding new construction next door to her home at 2 LoPresti Court. Her concern is the rain run-off from this new house. She said that she has been told this land was a swamp at one time. When she moved into her home in 2005, her back yard was very wet. She said she doesn't want to have a problem with their rain water coming onto her property. She said she is also concerned about the run off and drainage from this property when the snow melts. There are two rain gutters from the new construction facing her home.

Ms. Jesulaitis said the Builder is aware of the water issues on this property because he built a berm on the side of the house that is adjoining her yard. He built two Rain Gardens to collect the water on the side of the house that connects to her yard. Before they built the house the builder did some leveling of the lot so that it does not slope as much as it did. She said she was told that when one Rain Garden is full it will flow into the second Rain Garden. When that one is full it will flow out into the street. She said she is assuming that water going into the street will flow to the sewer or it may freeze causing a bad condition. She continued stating this is all fine if it works. The State of Connecticut is in a drought since the house has been built. We haven't been able to see if this system works. She said she is here this evening to put this on the record before the property is sold.

Ms. Jesulaitis said since the house has been built there was one rain storm in October that didn't amount to anything. She presented photos she took at that time. She said there was a lot of water from that one small rain storm and it filled both rain gardens and you can see the puddling in the yard. She said two days after the rain storm there was a sink hole in the first rain garden. Two days later someone came and filled the sink hole with rocks. She said if this happened after

a little rain, she is concerned of what might happen after a big rain storm or when heavy snow melts. She said she wants to put this information on the record because this is what has happened on the property.

Ms. Jesulaitis presented the pictures she had of 2 LoPresti Court to the Commission.

Mr. Malerba said this lot was approved years ago.

Ms. Jesulaitis said they started to build in August 2016. Prior to building they leveled the lot.

Mr. Malerba said there were a lot of rocks in there.

Mr. D'Amico said he will check with Zoning on the property and when it became a building lot.

Chairman Holman said Mr. D'Amico will look into this and told her to come back next month.

Ms. Jesulaitis said there is a plan in the Building Dept. and that the Builder knew there was a water problem. She said she spoke to the Builder and he told her he was putting in a Rain Garden. She said she also spoke with Mr. Dave Blackwell, ZEO after the rain. He said they had a permit.

Mr. D'Amico said if it was an approved lot, they get zoning compliance and go to the Building Dept. and get a permit.

Chairman Holman said if the lot was approved 10 to 15 years ago, don't they have to come before the Commission?

Mr. D'Amico said they would have to have a soil report from a certified soil scientist.

Mr. Bettini said by right you can build on one lot and avoid going to P&Z but before you build you have to go to Inland Wetlands for a review. IWC would review it for one lot and for a subdivision.

There was discussion on wetlands and watercourses on properties. Chairman Holman said that Mr. Blackwell is not certified. Ronda Porrini is certified but they still have to contact IWC. They have to submit an application, there is still a fee and a process that has to be followed. He said that IWC knows nothing of what happened with this property. He said that Ms. Porrini is certified but she cannot technically sign off without contacting Inland Wetlands Chairman or representative.

Chairman Holman asked about an existing garage on Orchard Street. He said he was informed of what was going on. IWC has to be informed of any applications before Planning & Zoning. He said all applications must be submitted to IWC. He said Orchard St. just had a wetland review, no application and no information. Someone must be contacted from IWC to walk the site and see there are no wetlands or watercourses there. IWC is here for a purpose and we will follow up.

Ms. Jesulaitis said if the lot next to her is not a wetland but their water comes over to her property where should she go.

Chairman Holman said the Builder built a Rain Garden for a reason. He advised her to come back next month. He asked Mr. D'Amico to follow up on this.

Lisa Hemingway
30 Wesley Street
Ansonia, CT 06401

Ms. Hemingway said IWC had the site walk on Sunday, October 30, 2016. She said the concerns were the same. There is no permit for the owner to build a road, there are covered manholes, there were no fines levied for the dumping on the site and for the trees that were taken down and left there. She said she spoke to IWC attorney and to Corporation Counsel Marini on this. She also contacted DEEP Water Resources Unit. She said she cannot see how this project can go forward.

Chairman Holman discussed the fill that was brought in to the property and that the owner wants to remediate the site.

Ms. Hemingway said the very same day as the Site Walk, two trucks came in and dumped fill there. She said she spoke to Carmen Pitney, Jr. and he said that the City of Ansonia never dumped fill there. There are dead trees there now that were not there before. She said she cannot see how IWC can allow this to go on. She said she hasn't heard from anyone on this.

Ms. Hemingway said that Mr. Brennan is preparing the property to build houses. The last 4 ½ years he has brought the fill in. She said she didn't purchase the property when it was offered to her because the Zoning Officer said you will not be able to build on that land.

There was discussion on the topo maps that the Commission used for the Site Walk. Mr. D'Amico said they were very close to what the engineer had – they only saw the intermittent stream.

Mr. D'Amico said the applicant is here to fix the site. They will have to come to Inland Wetlands and Planning & Zoning to build houses. He said the IWC application may be incorrect. They will have to come back to IWC and P&Z after the remediation. They have to go to P&Z for the grading and fill.

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

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

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, John Fanotto, Engr., Christopher Allen, Soil Scientist and William Brennan, owner were present.

Attorney Sponheimer said the Statement of Use submitted with the application is for improvement of the topography of the land for residential use. The owner has to get the property remediated and then go to Inland Wetlands and then go back to Planning and Zoning. This is the first step of going for any sort of residential development in the future. He read the Statement of Use to the commissioners. He said they will come back with a plan for the improvements to the area. They plan to have some sort of residential development as it complies with the Zoning Regulations.

Mr. Bettini stated the first thing is the fill is very unstable.

Mr. D'Amico said the fill is very unstable and they have to go in and take out all the unstable fill. The fill is 30 feet down.

Mr. Sponheimer said they have to go to P&Z for a permit to remove the fill.

Mr. Bettini said it is 30'x90' and there are several hundred yards of loose fill that needs to be removed. There is an intermittent stream at the bottom and a pipe going through there and an access way and a covered manhole. He said conceptually cleaning this area out is good.

There was discussion on removing the material that has been dumped and finding the manhole and pipe. Mr. D'Amico said he spoke to Carmen Pitney, Jr. and there is a manhole to the street. He suggested they do a TV camera to locate where it is. If they begin excavating they will hit the pipe. They will have to put in another manhole when they find the pipe.

Mr. Bettini said they will be cleaning out the site and he asked the time frame the equipment will be on the site and what will be their hours of operation.

Mr. D'Amico said that will be P&Z's concern when they receive the excavation permit.

Christopher Allen
Land Tech
Riverside Ave.
Westport, CT

Mr. Allen said the map shows the hand test pits done on May 7, 2015. May was a wet month. He said the base of the fill is over to the property boundaries. No test pits were done on top of the fill. They were done on the base of fill and the entire rest of the property. There are two (2) intermittent watercourses on the property. He said test pits were done all around the two intermittent watercourses.

Mr. Allen showed (drew the area on the map) the commissioners on the map where these intermittent watercourses were located and where he did the test pits. He said 50 test pits were done. They were done visually with a shovel and a bucket augur down 20 inches. The soil color will tell you if there are wetlands. The soil was very sandy.

Discussion on finding the pipe and manhole and the amount of fill that was brought in. Mr. D'Amico said the soil tested was right along the bottom edge of the fill and down the steep hill and then the land is flat. Mr. Bettini asked what the original topography of the site is and how much fill is in this area. He asked what the natural slope of the land is. Mr. D'Amico said it may have been a gradual slope.

There was discussion on the construction of Route 8. Mr. Fanotto said there is no drainage easement for the City of Ansonia. Mr. Bettini asked if they will pull all of the fill material out of the site and then stop. Mr. Fanotto said they will stop when they find solid ground. He said he doubts if it is in good condition. Mr. Fanotto said they will re-route the pipe and do a test pit down 16 feet. He said most of the material will have to come out.

Chairman Holman said they are improving the site and preparing for residential development. He asked the pleasure of the commission.

Mr. Bettini said he doesn't think IWC is approving an application for Residential Development at this time.

Discussion continued on locating the pipe and manhole on the site. Mr. D'Amico said the pipe is probably 100 years old. Ansonia has an easement whether it is through the middle or around the side we can get to it from the adjoining street to the headway. They can TV the pipe or start excavating it or do both to see the situation. They have to make sure the pipe is running and in good condition – it is an old pipe that has not been disturbed.

Chairman Holman said after they TV the pipe and find it, they have to come back to IWC with their findings. If they find the pipe and then have to re-route the pipe, will they cease all operations and come back to IWC because we need to know the condition of the pipe.

Mr. D'Amico said they will have to come to IWC. The applicant has to clean out and regrade the entire area. There is no way for new construction or new houses to be built in there at this time. They have to come back with the final remediation plans of the area.

Attorney Sponheimer said they have to clean out the area and make a determination of where the pipe is located.

Mr. Fanotto said it's about 20 feet deep just by the contours alone. The manhole we cannot find it.

Chairman Holman asked Mr. D'Amico if he and Dave Blackwell found the manhole.

Mr. D'Amico said no and there are issues with the drainage. Public Works Dept. cleaned the headwall. There is a manhole on Dwight St. that you can access with a camera and give them an idea where to find it.

Mr. Malerba asked where the line ends.

Mr. D'Amico said half way down Dwight St. there are two catch basins and 20 feet away is a manhole and a culvert that goes to the manhole to the headwall. It is partly under the fill.

Mr. Fanotto said he will keep Mr. D'Amico informed while they are working.

Chairman Holman asked Mr. D'Amico to notify him of what is happening on the site.

Mr. Bettini asked if there is unrestricted access for the IWC members to the property.

Attorney Sponheimer said the IWC members are walking as officers of the City of Ansonia.

Chairman Holman said the IWC members will be City Officials.

Mr. Bettini said IWC will be notified in regards to the pipe and the applicant will return to IWC once the pipe is located. Everything will cease until the IWC sees what is happening on the site.

Mr. Fanotto said they don't want to leave a hole there.

Chairman Holman said IWC should be able to go out and look at the site.

Attorney Sponheimer said for safety purposes he suggests a special meeting of the IWC when they all go out to look at the site.

Mr. Fanotto said they will put in a new one and re-route the pipe.

Chairman Holman asked where the removed fill will be disposed of.

Mr. Fanotto said they will dispose of it off the site.

Chairman Holman asked the time frame.

Mr. Fanotto said Monday through Friday, There will be no trucks that will interfere with the school buses or the neighborhood.

Mr. D'Amico said after they are approved at IWC, the applicant must go to P&Z for the excavation permit. P&Z will set the times they can work.

Discussion on the material to be removed and the amount that will be removed continued.

Mr. Bettini said they want a permit to clean the area and they will come back when they find the pipe. They have to get P&Z approval.

Mr. Jones asked if they have a layout or plan of how they will re-route the pipe.

Attorney Sponheimer said they have to get the pipe done first. Anything done with the pipe will be with the City Engineer's approval.

Mr. D'Amico said he will have a plan from them as to where the pipe is going. There will be a map showing this.

Mr. Bettini made a motion to approve the Remediation/cleaning of 32-33R Wesley Street with conditions. Conditions:

1. The City Engineer will be notified upon finding the pipe.
2. A plan showing where the pipe is being re-routed on the site will be provided to the City Engineer & IWC.
3. No Residential work will be done until the applicant comes back to IWC.
4. The new map will be provided to IWC. The plan will show final topography after the clean up of the site.
5. A new As-Built map of where the pipe is re-routed will be provided to the City Engineer and to Inland Wetlands Commission. (6 copies)
6. Clean fill will be brought in to keep the proposed contours on the map.
7. All Erosion & Sediment Control measures will be adhered to as described on the Erosion & Sediment Control map submitted by the applicant.

Mr. Malerba seconded. All in favor, so carried.

Donald Smith/City of Ansonia Board of Education re: Mead School Modular Classrooms, 75 Ford St.

Mr. Horbal was present.

Mr. Horbal gave everyone a copy of Don Smith's worksheet for the project. He explained the area for the modular classrooms proposed at Mead School. There will be six classrooms and two bathrooms attached by a corridor. The floor level for the modular classrooms will be within six inches of the existing school. No wetlands are being disturbed. The closest wetland is 140 feet away. The removal of the existing paved area is far away from the existing wetland. There is storm water management system on the site.

The commissioners discussed the replacement of the parking lot and the water run off that ran off in the opposite direction. Mr. Bettini asked where the water run off was going.

Mr. Horbal showed the commissioners on the map the direction of the water run off. He said they are adding seven parking spaces and they need to widen the access way so there is room for two cars to pass on the driveway. They are adding the parking spaces in the back of the school.

Mr. Malerba asked if there is room for a Fire Truck to get in there.

Mr. Horbal said his office did the survey and he will verify this with Mr. Smith.

Chairman Holman stated the Fire Trucks have to be able to get in and out of there.

Mr. Horbal said he will report the comments of the Commission to Mr. Smith. He said they plan to open by September 2017. Construction will start in the Spring of 2017. Once they receive P&Z approval they will go out to bid. He said they will have all storm water management the City of Ansonia requires for this project. He asked if IWC feels there is a need for a public hearing on this project or if they want to schedule a site walk. The modulars will come to the site in eight pieces. There will be no basements.

Mr. D'Amico said there are no drainage calculations.

Mr. Horbal said that Mr. Smith shows the brook and they are 20 to 30 feet above it. He said he doesn't see the drainage calculations however they will be within the regulations.

Mr. Malerba noted the eleven foot drop behind the building.

Mr. Horbal said to fill the area will bring us closer to the wetlands and there is a cost to fill and grade the area. The modular classroom is made so each classroom has a door to the outside. The building will have to meet the ADA codes.

Mr. Bettini said to Mr. Horbal, the project will not interfere with the wetland?

Mr. Horbal said it is more than 120 feet away from the wetland.

Mr. Bettini made a motion to approve the Mead School Modular Classrooms with conditions.
Conditions:

1. Applicant goes to Planning & Zoning for site plan approval.
2. The drainage calculations are to be submitted to IWC and the City Engineer.

Mr. Jones seconded. All in favor, so carried.

Violations

None

Old Business

None

New Business

2017 Meeting Schedule

Mr. Malerba made a motion to approve the 2017 Meeting Schedule with the following correction:

Cancel the July 6, 2017 and the August 3, 2017 meetings. A special meeting of the commission will be called if necessary.

Mr. Jones seconded. All in favor, so carried.

Any other business to come before the Commission

Coppergate Village

There was discussion on the single family house that was constructed on Hull Street as part of a development – Coppergate Village.

Chairman Holman said that there was a 55 & over development approved years ago for this site.

Mr. D'Amico said that permit is null & void and the owner is not allowed to build on the property. He could build one building on that site but he cannot do any more building. The lot where the house was built was an existing lot and therefore he was allowed to build one building. He has to come back before IWC and P&Z before any more construction on the site.

There was discussion on the previous approvals for that site. Chairman Holman asked how they were able to build one house without coming before IWC. Mr. Bettini agreed.

Alderwoman Radin said the 55 and over project is over. They held an open house three weeks ago advertising a subdivision. The house was priced at \$179,000 and they were telling people that they can put up six foot fences and there was city water. She asked how they can sell something without any approvals from IWC and P&Z.

Mr. D'Amico said other than 55 and over development there isn't anything they can do there. P&Z doesn't have regulations for condos unless they are 55 and over. He said they received

approval from Dave Blackwell, ZEO for one house. He said he did discuss this with Mr. Blackwell.

Chairman Holman asked Mr. D'Amico to monitor the site and advise the commission of any activity there.

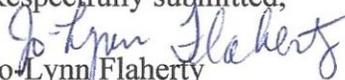
December Meeting

The December meeting will be held on Thursday, December 1, 2016 at 7:00 p.m.

Adjourn

Mr. Bettini made a motion to adjourn the meeting at 8:45 p.m. Mr. Jones seconded. All in favor, so carried.

Respectfully submitted,


Jo-Lynn Flaherty
Secretary