

January 20, 2009

Regular Meeting

Present: William Urban
Randy Carroll
Frank Pergola

Absent: John Jones
Tim Holman

The Regular Meeting of the Ansonia Conservation Commission was called to order at 7:30 p.m. by William Urban.

The secretary called the role.

There was a quorum present.

Public Session

Thomas Clifford
10 S. Westwood Road
Ansonia, Ct. 06401

Mr. Clifford addressed the commission regarding the referral from the Planning and Zoning Commission to the Inland Wetlands Commission on the proposed dynamite bunkers to be located in the wood lot on Riverside Dr. He explained that back in 2001 the Planning and Zoning Commission approved a site plan for Complete Construction to store 2000 pounds of dynamite in the City proper. There was no public notice or public hearing. There were questions from those in attendance and the Zoning Enforcement Officer said it was a minor accessory use. An appeal was taken in the State Appeal Court and a reversal was won and it was referred back to the Superior Court. The Judge found

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a violation of the IWC permit that prohibited any further development in the Wood Lot. The permit stated it would have to go back to the IWC. The Court remanded it back to the Planning & Zoning Commission in 2008. At the December 29th meeting the P&Z moved to refer it to the Inland Wetlands Commission. The next IWC meeting is February 5, 2009.

He continued in terms of awareness the Conservation Commission plays a role of providing input to the Inland Wetlands Commission. He is speaking for 300 plus residents who have signed a petition because the property borders a residential neighborhood - densely populated neighborhood and area. The storage and transport of explosives is subject to Federal regulations and it is not a minor use. It is a big use and it should not be in the City.

Mr. Pergola asked if the applicants' reasoning is based on the 2001 decision and if there is a statute of limitations and if so when does it expire.

Mr. Clifford said this should be a new application. They are saying they received approval from the Inland Wetlands Commission originally.

There was a discussion on the statutes for the time limitations for the State and City. The members also discussed the history of the site. The State Fire Marshall's office states that if a City doesn't have explosives – the City doesn't want to start to have them. Even though it might be safe there is a potential hazard and it has to have proper oversight. The density of Ansonia is 3000 persons per square mile. The transportation of the explosives would be through a very densely populated residential neighborhood with many children.

There is a radius index that the Federal government determines how much dynamite you could store and it takes into consideration highways, railways, etc. The bunkers will have separate blasting caps however 2000 pounds is a lot of explosives. 2000 pounds of explosives took down the New Haven Coliseum.

Mr. Pergola said that the Commission has been concerned with the bunkers and the storage of the dynamite for quite some time. The proposed bunkers are in the proximity to the proposed Electric Generating plant and this is a huge concern. A River Walk is also planned for the flood wall.

Chairman Urban said there will be storage of ammonia at the Electric Generating plant. He said how often is lightning strikes responsible for explosions. Ammonia is a concern so close to dynamite.

There was discussion on dynamites explosive nature when combined with water.

Chairman Urban said the Dept. of Homeland Security should be contacted. There is a nightmare with security for this area if there is a electric generating plant with ammonia and possible dynamite storage across the river.

A discussion on vandalism on the property where these explosives will be stored continued. The members are greatly concerned that the dynamite will be transported to the Wood Lot over local street in a densely populated area. It is noted that you have to be certified to transport explosives. There is always a concern for a mishap in transporting. The City of Ansonia doesn't need to add additional risk to the City and the City proper.

Mr. Pergola said there are classifications of dynamite and if they are cleared to store 2000 pounds of dynamite – can they store another form of explosive if they are cleared for one type use.

There was discussion that in the town of Clinton a contractor proposed to store explosives and there was a huge outcry so they extended their lease in Branford.

Mr. Clifford said that the reason it was remanded back is that Inland Wetlands Permit stated any further development has to go back to the Inland Wetlands Commission for approval. The request is to store up to 2000 pounds of explosives. This specifically requires concrete footings and requires it to go back to the IWC and they will advise the P&Z.

Chairman Urban said the main regulated factor is it is within the 100 foot buffer zone. He said soil type in this is specificate.

Mr. Carroll said the applicant gave land to the City of Ansonia and he and Mr. Pergola went on a site walk to see this land because of the proposed River Walk proposal. He said that they took pictures of the site. There is a lot of activity taking place on the site and a lot material being stored. IWC permit condition was that they give the City of Ansonia this land for recreational use. They have gone beyond the IWC permit and violated the permit and the permit conditions. There is asphalt being dumped there. The storage areas may be above the limit and these violations are continuing.

A discussion followed on the condition of the site and the land and the violations that are continuing and the City agencies are not doing their jobs in enforcement. They should be proactive and the land use agencies should be involved. The violations of the IWC permit were discussed.

Chairman Urban said the Conservation Commission should urge the Inland Wetlands Commission to do a site inspection of the property before taking any action .

Mr. Pergola asked is no City of Ansonia agency that can go in there and do a site inspection?

There was discussion of the impact a dynamite storage facility will have on the proposed Electric Generation plant.

Mr. Carroll said there will be a big impact on the neighbors on both sides of the river and on Main Street where our business district is located. There are also a lot of children living in close proximity to this site on Olson Drive.

Chairman Urban discussed the work that the Inland Wetlands and Conservation Commissions did on the site where Stop & Shop is located. Hershey Metal Plant was located on this site and it was close to the River. He asked if there is any buried ordinance on the proposed site.

He continued that on the Stop & Shop site the commission worked with DEP, EPA and the Army Corp of Engineers. Because of explosives that could be there on the site. He asked if there is any remnant ordinance on the site going back to the 1950's. He said on some sites they are still finding ordinance. This is not a primary thought – it is a regulatory thought.

Chairman Urban continued stating the Commission needs to know the nature of the soils. There is a precedent on this.

Mr. Pergola said the Commission should re-send their letter of concern to the Army Corp and Representative Rosa DeLauro and Homeland Security. He explained that when the Electric Generating Plant was referred to the Commission there was a concern on the dynamite storage and a letters were sent to the above. He also said that the Railroad – Metro-North should be notified.

Chairman Urban said Conservation Commission had a laundry list when they were created and he has tried to enforce those items.

The discussion continued with the members agreeing that there are a lot of concerns regarding the transportation through the City of these explosives along with the storage of the explosives as a major safety threat to the residents of the City. There are different factors involved and the people have to rely on the judgment of those entrusted with the power to protect the public health and safety.

Chairman Urban said that Metro North Railroad needs to be contacted and there is a river and a body of water that needs to be protected along with the proposed River Walkway that should be part of the equation when considering this type of activity. You can't have a River Walk next to explosives.

Mr. Pergola discussed the River Walk and his concern that it will be close to this site. He said that the explosives also pose a threat to the condos on the opposite side of the River as well as to the children and adults that live on Olson Drive.

There was discussion on the proposed River Walk and what a wonderful addition this will be for the residents of the City of Ansonia. The commission members are concerned with the condition of the Complete site and the impact that and a proposed dynamite storage bunker will have on the River Walk as well as the impact on the proposed

Electric Generation Plant and the impact on the City of Ansonia residents that reside in this surrounding area.

Conservation Commission members have walked the flood wall in that area and have reported on numerous occasions that there is a considerable amount of dumping on the Complete Construction site. That there may be creosote on the site and they have far exceeded the limits of their IWC permit.

Recess

Mr. Carroll made a motion for a five minute recess at 8:35 p.m. Mr. Pergola seconded. All in favor, so carried.

The regular meeting reconvened at 8:45 p.m.

Reconvene

Chairman Urban discussed the conditions of the Inland Wetlands permit with the members. He suggested that the Conservation Commission send a letter to the Inland Wetlands Commission advising them that the conditions of the 1998E permit are being violated. He stressed that this activity for a dynamite bunker in the middle of the City of Ansonia, in a densely populated area and transportation of the explosives through the densely populated residential neighborhoods along with the violations of the IWC permit is certainly a public health and safety issue that must be addressed.

Mr. Pergola made a motion to send a letter to the Inland Wetlands Commission regarding Inland Wetlands Permit 1998E and the lands covered within it. A site inspection by Inland Wetlands as soon as possible is strongly recommended because the Conservation Commission has been made aware of the possibility of violations of material/storage/dumping on this property that is not covered or allowed in the 1998E IWC permit. Mr. Carroll seconded. All in favor, so carried.

Minutes

Mr. Carroll made a motion to accept as written and place on file the minutes of the December 16, 2008 meeting. Mr. Pergola seconded. All in favor, so carried.

Bills

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

Correspondence

Mr. Carroll 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. Pergola seconded. All in favor, so carried.

Adjourn

Mr. Carroll made a motion to adjourn the meeting at 9:10 p.m. Mr. Pergola seconded. All in favor, so carried.

Respectfully submitted,

Jo-Lynn Flaherty
Secretary