



CITY OF DANBURY
155 Deer Hill Avenue
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Environmental Impact Commission

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MINUTES

January 9, 2008

Common Council Chambers 7:00 PM

Next regularly scheduled meeting date January 23, 2008.

Vice Chairman Bruce R. Lees called the meeting to order at 7:04 pm and asked for roll call.

Members Present: Bruce R. Lees, Jon Fagan, Matthew Rose, William Mills, Craig Westney.

Members Absent: Bernard Gallo, Jessica Soriano, Alt. Mark Massoud, Alt. Kurt Webber.

Lees announced Bernie is out sick tonight, so I will be Chairman.

PLEDGE OF ALLEGIANCE: The PLEDGE OF ALLEGIANCE was led by Dan Baroody at Lees' request.

OLD BUSINESS:

65-67 Bear Mountain Road

Regulated Activity # 768

Candlewood Pines Cluster Subdivision

Assessor's Lot # H03069, RA-80 Zone.

Date of Receipt: 8/8/07. 14 lot residential cluster subdivision, 119± acres.

First 65 Days: 10/12/07. CCA, LLC. 9/12/07 Received cut & fill and wildlife report. Rec'd. 9/20/07 S. Trinkaus, PE, report & CV. Public Hearing opened 9/26/07, cont'd. 10/10/07, 10/24/07, 11/14/07, 11/28/07, & closed 12/12/07. Danzer's report rec'd. 10/10/07. Extension ltrs. rec'd. 10/16/07 & 11/14/07. Site development plans, response letters, reports, conceptual driveway plan rec'd. 10/31/07. CLA and NCD reports rec'd. 11/13/07. 2nd Danzer report rec'd. 11/14/07. Revised plans, engineering report, drainage maps rec'd. 11/15/07. Ltrs. from EPA rec'd. 11/26/07. Revised site development plans & letters rec'd. 11/28/07 from CCA & EPS. Maintenance plan rec'd. 12/3/07. Plenary report 12/12/07 by D. Baroody. DRAFT decision by D. Baroody done 1/8/08.

Bruce R. Lees introduced this issue. Dan Baroody took the mic, identified himself, and described his draft decision to approve, saying it refers back to my report. Lees asked are there any comments at this time for the draft decision for approval? Mills said looking over the conditions of approval, I would like to add under #10 that copies of the maintenance done be sent to the Health Department yearly.

Copies of the maintenance records shall be sent to the Health Department yearly. Baroody added, and made accessible when requested by City officials. Lees announced Craig Westney has joined us at 7:06 pm. Anyone else have any discussion? It's your choice, guys, Lees said. Fagan made a motion to **approve** with the 13 conditions of approval, and condition # 10 would also include copies of the yearly maintenance be sent to the Health Department annually, and made accessible when requested by City officials. Mills seconded the motion. Lees said so we now have accepted the draft decision for approval; we have a motion, and we have a second, and Lees reiterated the amended condition #10. The motion carried unanimously at 7:08 with Westney abstaining. Lees announced approved.

5 Old Post Road, Parcel B

Regulated Activity # 783

Keith Monroe

Assessor's Lot # I20022, RA-80 Zone.

Date of Receipt: 11/14/07. Temporary crossing for septic & main construction.

First 65 Days: 1/18/08. Second 65 Days: 3/23/08. 2.465± acres. A-2 Survey requested.

Lees introduced this petition, asking is there anyone here? Mr. Baroody, is there anything you can fill us in on?

Baroody identified himself saying I spoke to the applicant by phone, and the delineation is completed, but the septic plan to be submitted to the City is still pending.

Mills made a motion to **table**.

Fagan seconded the motion.

The motion carried unanimously at 7:10 pm.

46 Beaver Brook Road

Regulated Activity # 785

Pandolfi Brothers, LLC

Assessor's Lot # K12176, IG-80 Zone.

Date of Receipt: 11/28/07. Contractor's building, parking, ±2 acres.

First 65 Days: 2/1/08. Second 65 Days: 4/6/08. B. Doto, III, PE requests to table to 1/23/08. Lees introduced this item.

Baroody identified himself from the Health Department and said I contacted the applicant's engineer, Ben Doto, and we set up a meeting for this Friday; and I will suggest some revisions. So he requested it be tabled until January 23rd.

Mills made a motion to **table**.

Fagan seconded the motion.

The motion carried unanimously at 7:11 pm

Tarrywile Lake Road, Lot #2

Regulated Activity # 786

Richard J. Kopf

Assessor's Lot # I18012, RA-80 Zone.

Date of Receipt: 12/12/07.

SF residence, driveway on 3.41 acres.

First 65 Days: 2/15/08. Second 65 Days: 4/20/08. R. Gallagher, PE. Letter from Sandy Moy rec'd. 12/12/07 & A-2 survey requested. Applicant requests to table this to the 1/23/08 meeting.

Acting Chairman Lees introduced this item.

Mills made a motion to submit this to a Public Hearing because of the public interest in this particular area, Tarrywile.

Fagan seconded the motion.

Lees reiterated Mills' motion and asked is there any discussion? None. Seeing no discussion, let's go to a vote, Lees said.

The motion carried unanimously.

Baroody said we're still waiting for materials from the applicant so we could go two meetings out.

Mills and Baroody discussed the time restraints, and when to open the Public Hearing. If we do it February 13th, open the Public Hearing, we're fine, Baroody said.

Mills made a motion to table this until the **February 13th Public Hearing**.

Fagan asked Baroody, Dan, did you mention that the applicant has some materials to submit prior to the Public Hearing? From a technical standpoint, that's not an issue?

Lees and Fagan and Baroody discussed this.

We'd probably advise them of more materials to gather, Baroody explained. The applicant requested it be tabled tonight. It works, Baroody said.

Fagan seconded the motion to table.

The motion carried unanimously to table this until the February 13th Public Hearing meeting.

NEW BUSINESS:

132 Federal Road

Regulated Activity # 787

132 Federal Road, LLC (Wallin) Assessor's Lot # L07043, CG-20/RA-80 Zone.

Date of Receipt: 12/12/07.

New commercial building, parking.

First 65 Days: 2/15/08. Second 65 Days: 4/20/08. M. Mazzucco, PE. Town of Brookfield notified 1/3/08.

Lees announced that concludes our old business; now we have new business.

Michael Mazzucco, PE, set up the easel and identified himself, stating he represents the applicant, 132 Federal Road, LLC. Happy New Year, Mazzucco said. The proposal is to reconstruct the site that is located on Federal Road, on the Brookfield line, the Wallin Pool site which is kind of in disrepair. The applicant is looking to demo the building and basically rebuild the site. We are here because; I will just go through some mapping, Mazzucco said. This is the survey map. This is an area map, at the easel. The site is on the north side of Federal Road. It was the Wallin Pool facility for many years. You can see by the topography, it's very steep, and the Still River is across the street. We must apply to the DEIC because we are within 200 feet from the Still River, Mazzucco said.

Lees discussed with Mazzucco where they had reinforced the bend in the river behind Cap City previously.

Westney said you're across the street though.

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Mazzucco said yes. Mazzucco continued discussing the maps, existing conditions. Mazzucco said if you look closely at the mapping, more noticeably on the survey, you see that currently this is under contract by the State; they (Wallins) are acquiring that property. There were some variances that were obtained, to construct a new building, for parking in the front. The grade does go up, and actually parking is planned on the 2nd level of this building. This took away parking on the road, and we tried to conform to zoning as best we could. We are actually pulling that parking back and actually reducing the impervious surface, Mazzucco said.

Mills asked why is the State selling that property?

Mazzucco replied they are really releasing the property to us. The Wallins just owned it for so long, and when the State was ready to sell it, it became a point of contention, probably, so that's when the applicant then agreed to work out that deal with them. It's already been developed there, Mazzucco explained.

Lees had a question about the drainage.

Mazzucco discussed the drainage location, existing drainage system; we took all the drainage on the site, and piped it into the detention system we have along the front. There currently is a 12 inch pipe that comes out of this northwest basin, which was not adequate. We just ended up proposing a new line, a 24 inch pipe we will tie into. Lees asked will there be any type of infiltration?

Mazzucco said there will be a long row of galleries, maybe 120 feet of galleries.

We're only adding a third of an acre of impervious surface to the area. It is similar in concept to what we did on 37-39 South Street, which was actually kicked out administratively (EIC #774).

Lees had a question on a possible upgrade to trap salt and sand.

Mazzucco said I'm thinking what we could do there.

Lees said will there be any kind of trap there? I'd like to see that, Dan. Some type of improvement, some protection; the salts, the oils. It's not asking too much; not a Vortech unit.

Mazzucco replied we could put something on that end. We could take a look at that.

Mills asked does Staff have any recommendations?

Baroody replied no; it's brand new tonight.

Fagan said since it came in tonight, Dan needs chance to review it. Motion to table.

Mills seconded the motion to table.

The motion carried unanimously at 7:26 pm.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: None.

ADMINISTRATIVE STAFF ACTIONS: None, Lees stated.

ACCEPTANCE OF MINUTES: 12/12/07 Meeting. Fagan made a motion to accept the minutes as presented at 7:27 pm, since there were no comments by Mr. Mills. Mills seconded the motion. The motion carried unanimously.

CORRESPONDENCE:

Notice of C.L. & P. scheduled maintenance activities (vegetation, shrubs, trees treatment or removal) in City electric rights-of-way in 2008.

River Front Protection recommendations from CACIWAC, Audubon, Nature Conservancy, etc.

Lees read the above items of correspondence. Lees said it's good to have Craig

Westney here.

Bill Mills discussed the River Front Protection recommendations and could Dan clarify what they are looking for at next meeting.

Baroody explained this is kind of a heads up from these non-profit and environmental groups that this is proposed legislation. We already have more than that, so they are sort of catching up to us. Mills thanked Baroody for that clarification.

Lees asked is there any word to move the 25 year, the 50 year, the 100 year floods up as well, as we are getting more storms like these? Is there any movement there?

Baroody replied I don't know. I could maybe look into it. I know the City Engineering Department has been talking about the City having a stormwater protection ordinance. Baroody discussed the possibility of a developer defaulting; there is now no enforcement.

Pml: point of order, you could contact CACIWAC to see. They have an attorney's article now on the front page of every issue (Attorney Janet Brooks via todell@snet.net).

Mills said a couple of years ago, the applicant was supposed to have books to review to make sure that the maintenance was being done. I think it's necessary anytime there's a homeowners association to send copies of the maintenance to the Health Department; there are a number that do not keep records. Thank you, Mr. Baroody. Thank you, Mr. Chairman, Mills said.

Westney said, also, regarding river protection, as far as I know we don't have a regulated 50-foot buffer.

Baroody said correct. We control the 200 feet, and based on the facts, we can set our buffer anywhere, for example, the most recent proposal on Candlewood Lake, we moved it back 150 feet, so we're flexible. Then if just a single-family home owner comes in, we can go down to 25 feet if it's just one house; if it is a small isolated wetland caused by road drainage, for example, or we can go all the way out to 100 feet.

Westney said this could mandate that there must be 50 feet. There would be no Elmer's Diner, for example.

Mills said good point.

Lees said yes; how many times do proposals come in 10 feet or 12 feet from the wetlands!

EIC ADMINISTRATION & FUTURE AGENDA ITEMS: None.

ADJOURNMENT:

Motion to adjourn by Mills. Second by Rose. Motion carried unanimously at 7:36 pm.

The next regular EIC meeting will be held on January 23, 2008.

Respectfully submitted by

Patricia M. Lee, Secretary