



system. He described the second plateau on the lot, which would require a longer than 500-foot driveway and has a rock outcropping. So we decided on this area here, offering the shortest driveway, the least excavation, and protected drainage during construction, Kopf said. The final site plan we chose looks like this (07067-2-R1, Gallagher's map on the easel), and the major difficulty is coming off of the cul de sac. The toe of the slope here is fairly level, and will require some stabilization, and it's really on 3.3% grade. We had the architect look at the topography, and we came up with a two tiered design of the house, and he showed the elevation plan on the easel. It's primarily slab, and will require some excavation on the top end, and tie into the slope on the bottom. Mr. Gallagher designed a sedimentation and erosion plan that he can explain a lot better than I can.

Ralph Gallagher, PE, from 39 Mill Plain Road, took the mic at 7:15 pm and identified himself and signed in. As Mr. Kopf explained, Gallagher described the lot vicinity; a fairly steep lot, we've chosen the driveway to be the shortest and the flattest. We've chosen to use the rock as slope for the fills. It will be a mostly rock fill so there will be no erosion. There are a few rock walls near the house, and western side of the driveway, and two sets of sedimentation and erosion controls. There is an old road along side of the lake, and we will use that as one of the controls, so there will be virtually no chance of silt getting into Lake Tarrywile. Erosion will be very minimal. Gallagher described the stormwater detention, galleries, a sewage pumping station to go back out to the sewer, and the water line will parallel that. If the Commission has any questions, I would certainly like to answer them at this time. Gallo asked are there any questions? Gallagher continued I believe that when the water was down a little, there really is not a wetland soil by the edge of the water. I think we've done the best we could with what we had here, Gallagher concluded.

Kopf took the mic back at 7:19 pm. Kopf discussed a couple of other considerations, planning for the site itself, proposing a landscape design, and showed the existing conditions plan and the planting mitigation plan on easel. As a condition to the approval, as I've said previously, I plan to leave the shore line natural. I plan to leave the larger trees, and he discussed the plantings, dogwood, winterberry, and other plants proposed. The southern side of the proposal adjacent to the park would also be kept natural. I would not be adverse to some sort of Conservation Easement in that area. I don't have the desire for a dock. I've never had a dock, or a motorized boat, so that's not a factor here. It is an approved lot. We're not asking for any variances. It will have no impact to the wetland, Kopf said.

Fagan suggested why don't we see if the Public has anything to say first, then I have a couple of questions.

Chairman Gallo read the letter from neighbor Huq into the record, 29 Tarrywile Lake Road, and his concern for the proximity to his lot, recommending a shared driveway.

Gallo asked is there anyone else who wishes to address this issue.

Sandy Moy, Executive Director of Tarrywile Park, identified herself and said we had originally sent in a letter when we first saw the plan, and we take our jobs very seriously. And we felt we should voice our concerns about the runoff and how the proposal might affect the lake. There are runoff, silt, water concerns. I walked the property with some of the EIC members, and now I don't think we have those concerns. We do not allow motorized boats on the lake. We also had a concern over the property line, but if the A-2 survey is acceptable to the City, we will accept that,

Moy said. Bellavance's lot does go into the lake. That acre from the Bellavances did give the lake a buffer area, so any idea about a Conservation Easement would be a good thing for the park. In looking at the way the house was situated, by keeping the house the way it is now, there's less of an impact, so the Authority would be very willing to accept it. We don't have any bad things to say about it, if it makes it through the process, and in the future may help the lake, Moy concluded.

Fagan had a question for Sandy Moy: regarding the latest buzz term of shoreline management plan, is there any plan in place now?

My responded not at the present time, but in the 50-foot right of way, the Authority has plans to build a station to educate the Public about the buffer guard use. Fagan asked Moy has engineer explained the detention galleries to you? This is much better, Fagan said; these galleries hold the runoff.

Moy responded no, I don't know the difference between them, so better is good.

Mills said the only question I have is, as the applicant and young lady mentioned, come up with an idea for a Conservation Easement, even meet with the Tarrywile Lake Authority, and come up with an easement. Rose asked is blasting planned?

Gallagher said I think that that's going to be a field condition; they will hammer some rock, and may later need to blast. I'd like to respond to the neighbor's letter, Mr. Huq, what we did for this driveway. We have the rights to go on this existing driveway. Going up here this is a 15% grade; we did look at using part of it, but it would end up with a steeper driveway and more fill. We are keeping 20-30 feet away from the neighbor's property. This neighbor's driveway above us takes away our runoff, so our watershed consists of a very small area. Thank you.

Kopf said I want to address one other concern: pesticides. The green shaded area adjacent to the house is the only area where there's a proposed lawn.

Baroody said I think Staff needs more time to generate an environmental review report and also meet with the applicant to go over the Conservation Easement.

Gallo asked is there a motion to continue this?

Fagan made a motion to **continue the Public Hearing**. Mills seconded the motion. The motion carried unanimously at 7:32 pm.

### **SHOW CAUSE HEARING:**

25 Miry Brook Road, Carl Sayers, Lot # F19011, conducting regulated activity without a permit (IL-40 Zone). Notice of Violation sent via cert. mail 1/25/08, receipt signed by S. Sayers 1/31/08. Sayers and Baroody spoke 2/14/08 (phone). Chairman Gallo introduced this as the next agenda item. Mr. Carl Sayers stood up and removed his coat, and came to the podium. Sayers said I can start out by giving a little bit of my qualifications, and I was involved with the Tarrywile dam. I built parking lots back in the 70's and 80's, the lot at the Salvation Army church, the Bank of America on Mill Plain. I own Danbury Topsoil. I recycle soil. I'm also a graduate of the Army Corps of Engineers. I've been down around Danbury for many years and took over the nursery. I've been involved in a lot of projects, recently the east taxiway at the airport. The problem I have is that all the drainage coming off Spruce

Mountain ends up here. Sayers described the history of his daughter's property. She lives at 25 Miry Brook Road with her son and stepson and husband. Beaver are building a dam on one side, Sayers said. I can't get Mr. Estefan to clean that out. I testified in court, and Judge Sullivan went out there, and he tried to blame the damage to the pipes on me, and Sayers described the channel. They used to have Donny Kovacs come in and clean the channel every year. Then they stopped doing that. I told Estefan about the beaver dam on the Miller side and was ignored. It fills the brook all the way up to where it crosses the runway. I put a cabin cruiser out in the back yard and the kids were fishing off it. The beaver took down a tree one night and it landed on my cars. Sayers discussed the 24" pipe, raising it up, the manhole going into the airport, and one has to drop it back down a foot to go back in; the original input, the two 18" pipes. We have good surveyors and engineers in Danbury, but that wasn't done. Now the water back there is two feet higher, Sayers said. It killed the trees. I went to the US Dept. of Transportation; I was all within my rights. Mr. Eriquez got into office, and two or three times I was dragged into his office; it tied me up for four or five years. I got my permits. Nine times the City took me to court. I'll sink or swim, I told my lawyer. Sayers said I did some development, then I left it alone. I have a problem with Mr. Massoud, and he threatened me; he closed his book and left. The outcome is that I need to try to solve this problem; and the only way I could do that, with my family there and all, was to take down some trees. I told the highway man, and the guy told me to fix it myself. I cut it over to there; and solved the water problem. But they put this pipe up so high, that every time it rains. Sayers discussed the sea level of the pond and brook. The whole thing has come way up. Sayers discussed the DOT project, and when they stopped it in 1973.

Gallo asked how do we get to your filling on Miry Brook Road?

Sayers said I have some photographs. This was the same day: the February 13th meeting that was cancelled. The water came back up that day again. He described what the photos show. They sand the lot in the wintertime; they never sweep it. It's like your Mill Plain Road. None of the ditches have ever been cleaned. This one really needs to be cleaned. Sayers continued distributing and describing the photos at 7:46 pm. Sayers said I cleaned the channel and made everything work the way it was supposed to, and I thought it was solved, but it wasn't. I put the big boat out there so that the kids were not out there bouncing around in a little boat, and they could fish off it. The plastic pipes are over here. They never landscaped the ground. The property on 25 Miry Brook Road goes all the way back to the lake. I did not fence it off. The military can park on my lot all day long. They did try to rebuild the road, and now we have all this water in our parking lot. In 1991, we would up in front of a Waterbury judge and he wanted me to try to give one more try to get permits, and we were stone walled every time. The engineer said he had to walk away from it. I do have copies of the court reports. Mr. Skelly had got the State after me. The attorney general was ordered to settle. And I have to sign off that I would not sue. I have never sued anybody over all that's been done to me. The property was purchased for relocation of the nursery. I have my nursery certificate. Here, it's been inspected by the state entomologist. I have taken some trees out of there. Gallo interjected this Notice of Violation has nothing to do with all this history. We're here for your filling the wetlands at 25 Miry Brook.

Sayers discussed local history and Danbury residents in the area, who had equipment and did excavation, including his father. The property, Sayers said, was lost in a card game, the house burned down, and I bought it back in 1988, as it was

up on the hill. We had a lot of trouble with vandalism. I did not want someone cutting my trucks' brake lines or something, so we fenced it all in. So we wanted use 25 Miry Brook Road for that reason: storage of the woodchips. The property is for sale now because my mom died, and we wound up owning the property. And how long do I last there on this gold-plated piece of property? Gallo asked where are we now? Sayers replied, well, I stopped doing stuff. Gallo asked are you right now working with Dan on this? Sayers said we talked. I don't want to cause any trouble. I'd like to clean up out there; mow the grass in the summer. We have the property up on the corner; we don't need it all. Sayers discussed what his son is doing and his trip to Europe, so he's not going to put up an automotive repair business there. Gallo said at this point, I'd like to see you work it out with Dan Baroody. Sayers pulled out a map, stating I don't have a problem with working on it. I talked with the Mayor about a property swap and he said, then Carl, you come see me. Gallo said and *our* concern is the wetlands. There's no reason for you to come here every two weeks. Sayers continued I thought about being involved on the other side of my family, but with this recent battle with my family, I haven't had time. Gallo said thank you for your time then 7:59 pm.

Baroody said to Sayers your next step is the wetland delineation, the soil scientist, as Mr. Sayers left the podium.

**OLD BUSINESS:**

**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. Extension letter received 1/22/08. Ralph Gallagher, PE, and owner Keith Monroe came forward, and Gallagher discussed the project down on the Old Post Road. Back in '96 we had an old approval which is on the west side of the Post Road. The parcel is split by the wetlands, and we got approval on the west side of the wetlands: build a crossing, then take it out, and we proposed some mitigation for the wetlands we interfered with. We propose to mitigate that area. It's a real nice area where the dwelling is. We've gotten setback variances. It's a two acre zone. This was approved back in '96, and we show a deck on this plan. Gallo said a good sized deck. Gallagher continued the house is such a modest size, so the new client asked for a deck. The wetland boundary will be delineated; also some plantings, and that would be the same in this approval as in the last. We've shown a future driveway that seemed to fit in with the old grading. The house is tiny. The grading works for it to do that in the future, if allowed. Mills asked is this property flagged. Gallagher said yes. Mills requested that they stake out the four corners of the house, so the Commissioners can do a site walk and get a better perspective of the layout. Baroody asked that it be tabled for a site review. Gallo said we're going to table it. Secretary Lee said I have an extension letter. Notify Pat Lee when the house is staked, William Mills asked.

Fagan made a motion to **table** this. Mills seconded the motion. The motion carried unanimously at 8:05 pm. Gallo said it is tabled to 3/12/08.

**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. Baroody & Mazzucco met 1/22/08. Additional plans, details received 2/7/08. Stormwater maintenance schedule & extension letter received 2/11/08. Impact report 2/13/08 by Daniel Baroody, RS, MPH. Michael Mazzucco, PE, came forward as Gallo introduced this item. Mazzucco identified himself, saying at the last meeting we were asked to provide some additional information and an oil separator. I met with Dan Baroody, and we discussed where we would put the separator, we're essentially catching everything from our site, and a cross section depicts the grade; 1800 cubic yards are coming out, and maybe half of that material would be blasted because of rock. Those were our two revisions. The last meeting was cancelled. I read through the impact report, and I have a question on conditions 4 and 5, Mazzucco said.

Baroody said where you're going to have to have a grading permit, and your bond will cover the plantings. Mazzucco said as long as the planting plan is not the same as a mitigation plan. I did a schedule for the maintenance of the system.

Mills said on number 8, I ask that you clarify that this maintenance report be provided to the Health Department twice a year. Mazzucco read from his maintenance plan: May and November: clean parking lot and catch basins; yearly in May: clean and inspect grit/oil/water separator and detention galleries; additional maintenance to be determined based on need. Mills said what I'm emphasizing is that a copy be sent to the City, showing that it has been done. Mazzucco replied sorry; I misunderstood that.

Fagan asked that would be an additional condition? That's been standard fare over the last two to three years. Mills asked how should condition 8 be worded? Fagan said add the condition.

Baroody said add language to condition 8. The reporting condition is in condition 8, so we can add the grit/oil/water separator, etc.

Mills said I have one other question, if I may: curiosity on my part, does the water line going to this piece of property come to the end of the loop.

Mazzucco explained that the end of the water line is actually a bit beyond that, actually our in front of Stew Leonard's. So that's why there's a well on this property.

We will use the well for domestic water, and we are still working out the details whether sprinklers will be required, or they may have to bring the water main down.

Gallo said that's not our concern in this Commission.

Baroody identified self at the microphone, saying just to get back to my screening report, the drainage network does quickly flow to the Still River, and we're recommending a summary approval.

Fagan made a motion to **approve** EIC **787** based on the Health Department ruling, with 9 conditions of approval and the changes to condition 8.

Rose seconded the motion, and the motion carried unanimously. Gallo announced the project is approved.

**NEW BUSINESS:**

**Reynolds Road**

**Regulated Activity # 639R**

**Sterling Construction Management, LLC** Assessor's Lot#H08108, RA-40 Zone.

Date of Receipt: 2/27/08.

Stairs to Candlewood Lake.

First 65 Days: 5/2/08. Second 65 Days: 7/6/08. George Kendall. Chairman Gallo introduced this item at 8:16 pm. George Kendall took mic and said we are proposing to rebuild the staircase down to where it was supposed to be, and he discussed the bulkhead and the docks labeled 8 and 9. We've been in touch with Candlewood Lake Authority (CLA) and FirstLight Power, and we've met with FirstLight, and they have agreed to send a letter. This is a collaboration of four parties, which Kendall explained, including Poets Landing. So we all got together, and he agreed to give us these rights to work with FirstLight Power, so at the end of the day there are less docks and bulkheads. My surveyor, Dymar, could not work on this this week. We met with Brian Wood and his supervisor. Less than docks he can't approve this, but he is going to bring this to his board. The soil is exactly the same; I've had two reports done. I propose to re-tree, reseed the area with indigenous trees and shrubs. I would not be doing any excavation. I would be pinning to the rocks, so there's no soil disturbance down within 20 feet of the Lake. I will dig the footings up on top by hand; I just don't know how deep that soil is. Gallo said I think Staff is just waiting for a letter from FirstLight.

Baroody said we'll require comments from the CLA and from FirstLight.

Kendall discussed the previous approvals, and said I'd like to get an Administrative Approval so I can move on this.

Mills had questions about taking trees down, including a planting plan, and had a question on the driveway going down.

Kendall said no, no; it's an easement, so that they can get to the Lake. It's far too steep.

Mills had a question on the walk going down to the stairway, which Kendall explained to him: proposed are two landings with a seat, as it is so steep. Mills next questioned the width of the sidewalk. Kendall said that's an existing roadway, and Matt Rose confirmed that the road intersects the house. Fagan asked the stairs are all you are doing? Kendall confirmed all the other work is done.

Rose made a motion to **table** this.

Fagan seconded the motion, and the motion carried unanimously.

**APPLICATIONS FOR ADMINISTRATIVE APPROVAL:** None.

**ADMINISTRATIVE STAFF ACTIONS:**

Administrative Approvals done 1/25/08 by D. Baroody, RS, MPH. Gallo asked does anyone have any questions on these? Commissioner Mills said yes, on EIC **744R**. Baroody said it's just a little bump out on the existing building. Mills repeated a bump out? I thought they were restricted. I thought we looked at that and at the Toyota place with Mr. Kornhaas; the cars were so close. Baroody said they issued another site plan, and they had worked that out with the car place, and Baroody explained there's no real effect to the wetland.

Regulated Activity # **779**, 28 Eagle Road, E.W. Batista Family Ltd. Partnership (L11005, L11038), add freezer (CG-20 Zone). Mills had a question on this one too. Baroody replied that was just a freezer bump out. The Batista's own all the Dunkin

Donuts in this part of the State, Baroody explained.

Regulated Activity # **781**, 62A James Street, Jose Guzman (K12097), permit for mitigation plan (RA-20 Zone).

Regulated Activity # **782**, 60½ James Street, Mario Landivar (K12094), permit for mitigation plan (RA-20 Zone).

Regulated Activity # **744R**, 79 Federal Road, E. Batista (L09019, L09029), revision to Dunkin Donuts (CG-20 Zone).

**ACCEPTANCE OF MINUTES:** Motion to approve the minutes of the 1/23/08 meeting as presented by Rose. Second by Fagan. The motion carried unanimously. The 2/13/08 EIC meeting was cancelled (ice).

**CORRESPONDENCE:**

Mills said I have a question: I only have two pages of the agenda. Secretary Lee said to Mills I gave you a new agenda this morning.

CT Assoc. of Conservation & Inland Wetlands Commissions, Inc. (CACIWC) Fall 2007 Newsletter, *The Habitat*.

Aquatic Pesticide Permit Application from Lycott Environmental, Inc., to treat filamentous algae in Swan Lake at Jensen's res. community.

Aquatic Pesticide Permit Application from Northeast Tree, Pond & Turf Service, Inc., to treat algae, chara, potamogetons at Shelter Rock Pond, 22 Shelter Rock Road.

Aquatic Pesticide Permit Applications from Aquatic Control Technology, Inc., to treat algae, duckweed at Ridgebury Office Center, and cattails at Woodland Hills Pond.

UConn College of Agriculture & Natural Resources brochure about the success of a low impact development project in CT, Jordan Cove.

**EIC ADMINISTRATION & FUTURE AGENDA ITEMS:**

Toll Brothers, Inc., Danbury wetlands application required for proposed 62-unit town home community on Reservoir Street in Bethel within 500 feet of Danbury line. Baroody took the mic and explained the requirement to notify us by the Town of Bethel, and we sent those plans to our expert Dr. Danzer, and they have quite a lot of activities in our regulated area. And they had a court settlement with Bethel, and they pushed their units as close as they could to the Danbury line. Corporation Council agreed with me that Toll Brothers would be doing regulated activities, and I just wanted to advise the Commission that we want to get a Regulated Activity application from the builder, Baroody concluded.

Mills made a motion to request an application from Toll Brothers.

Fagan seconded the motion, and the motion carried unanimously at 8:31 pm.

Chairman Gallo said before we adjourn, some schooling is being offered by the State DEP, if you are interested. I went on three Saturdays. I had to travel 600 miles to

complete the course. There is one free coupon. If anyone is interested, it's actually a good time when you get there. They supply coffee and stuff. It's amazing what you learn from the Attorney General's office. Let me know, Gallo said.

Fagan said on the maintenance plan that we talked about earlier, for drainage, galleries, oil / water separators, maybe that should be standard in our conditions of approval, because it protects us down the road. It's a little bit of an insurance policy. I know that we have certain standard conditions of approval. Gallo said it has to be standard; we can't pick and choose. Baroody said I think what Mr. Fagan is saying is just to standardize the language. Gallo said if they are going to do maintenance, they have to report it. Baroody said we can try to make it more generic. Also, Fagan said Soriano and Gallo discussed that we'd like to finalize the regulations revisions, and Mills, Baroody, and Fagan talked about this. Baroody said Corporation Counsel threw in a mountain of paperwork last time. Gallo said Jessica is so busy with her new position, but let's get it done. Mills said that has got to go before Common Council. Baroody replied no; it has to go to Public Hearing. Gallo and Baroody talked further. Baroody said after we do actually pass it, all they require is that we send the new rules up to Steve Tessatori, and we get credit for it. But it's pretty normal with all the towns: you can't do your regulations overnight. We haven't done it since '97, and in some areas we're ahead of other towns, Baroody said.

Matt Rose questioned the Gerard's marina New Milford case and the 440 line: the Connecticut Supreme Court decision (that the Lake's five bordering municipalities lack power to enforce shore zoning and building regulations). Baroody said Health and Inland Wetlands still does have authority; Inland Wetlands & Watercourses Regulations are State mandated.

**ADJOURNMENT:** Motion to adjourn by Rose. Second by Mills. The motion carried unanimously at 8:40 pm.

The next regular EIC meeting will be held on March 12, 2008.