



**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

Environmental Impact Commission  
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**MINUTES**

**March 26, 2008**

**Common Council Chambers 7 pm**

Chairman Bernard Gallo called the meeting to order at 7:06 pm. Present were Gallo, Bruce R. Lees, Matthew Rose, William Mills, Craig Westney, and Jon Fagan. Absent were Alt. Mark Massoud, Alt. Kurt Webber, and Jessica Soriano. We have a quorum, Chairman Gallo announced.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Matthew Rose at Gallo's request.

**OLD 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. G. Kendall. Detailed planting plan & letter from FirstPower requested 3/12/08. Motion to **table** by Mills. Second by Fagan. The motion carried unanimously.

**39 Farm Street**

**Regulated Activity # 789**

**Gerald & Lisa Rutledge**

Assessor's Lot # H10050, RA-20 Zone.

Date of Receipt: 3/12/08.

Proposed SF residence, 0.16 acre.

First 65 Days: 5/16/08. Second 65 Days: 7/20/08. Site visit 3/24/08. Details rec'd. 3/25/08. Screening report by Baroody 3/26/08. Gallo introduced this item, asking Baroody if he has comments. Baroody replied let the applicant go first. Lisa Rutledge came to the mic and said we did receive the report and read the report, and appreciate that you did a site walk. And we are willing to comply. Baroody said Staff is recommended a summary approval. The engineer and developer have

worked with the Health Department. The 8 conditions are on the last page. Westney asked do you have the distances now? Baroody said they are shown on the new plans. Gallo said the dimensions are to the back of the patio. Westney said I have no other questions. Gallo asked are there any further questions? A motion is in order. Westney asked is there any feedback from the site walk, since I was unable to attend? Gallo answered not that we are concerned about. Fagan made a motion to **approve** EIC #789, although I did not get to walk it, per the summary ruling with 8 conditions of approval. Mills seconded the motion. The motion carried unanimously at 7:11 pm.

**41 Farm Street**

**Regulated Activity # 790**

**Gerald & Lisa Rutledge**

Assessor's Lot # H10051, RA-20 Zone.

Date of Receipt: 3/12/08.

Proposed SF residence, 0.15 acre.

First 65 Days: 5/16/08. Second 65 Days: 7/20/08. Site visit 3/24/08. Details received 3/25/08. Screening report by Baroody 3/26/08. Gallo introduced 41 Farm Street saying Health Department is recommending a summary approval. Baroody said I want to put into the record my screening report, which is pretty much a mirror image of the previous application. We are recommending a summary ruling with 8 conditions Fagan made a motion to **approve** EIC # 790 based on the summary ruling with 8 conditions of approval. Mills seconded the motion. The motion carried unanimously at 7:13 pm.

**NEW BUSINESS:**

**22 Shelter Rock Lane**

**Regulated Activity # 713 R**

**Shelter Rock Business Center, LLC** Assessor's Lot # L15005,L15006, IL-40 Zone.

Date of Receipt: 3/26/08.

Revisions to 9/06 project.

First 65 Days: 5/30/08. Second 65 Days: 8/3/08. Benjamin V. Doto, PE. Gallo introduced this application as Ben Doto came forward. Doto said good evening and identified himself, saying he is speaking for his client the applicant. This Commission and Planning Commission previously approved this. It's known as the Shelter Rock Business Center. Application that was approved in 2006 consisted of several things, which Ben described. The size of the building; the old Unimation building; at that time a small addition was proposed to the building, Doto said. There was a riprap swale here that was approved to be removed and replaced with some better quality wetlands. Plus we were pulling the existing pavement back in certain areas away from the wetland. Because of the size of the project, it had to be phased. Since then the applicant has had some changes to the plan having nothing to do with the wetlands. The construction of these two buildings is now going to not happen, and a smaller addition is now proposed. I'm looking here just to the north end. What has changed is an addition; a wing addition to the building is proposed, Doto said. The lot line has been moved here. There is nothing for this parcel according to this application. As you can see the impact is down to zero. There is some work that will happen on the other side of this lot line, and he described what is proposed to stay the same as the original approval. This is before Planning also, Doto said. I would be happy to answer any questions, Doto concluded. Westney said I have a couple of questions. As I recall, a couple of the initial challenges that we had were fire access

and parking, dual points of access and egress. What impacts does the revised proposal have to those concerns? Ben Doto replied no. We had a traffic study done in 2006. This driveway size is almost like a town road. Now this is a bunch of mixed uses, so not everyone will be exiting at the same time like they used to. Doto explained the dead end water main, and some old private mains on this site that were dead ended. Mr. Putnam granted an easement, so that the mains could be looped as the City requested. This is a private pump house. Because of the Engineering Dept. rules, now it's grandfathered in to the existing sewage system. As far as access, the Fire Dept. has not had a problem. Doto discussed the loop and described the fire hydrants. My guess is when this goes through Planning and Zoning review, the Fire Dept. could ask us to bring another hydrant around the back here. We had an amended traffic study done just last week; the traffic is going to be proportionately lower, Doto said. Westney asked there's no crossing planned for fire access? Doto replied no. If something were to happen there, they would have to come back in. They need a variance if they want to put a church there in an industrial zone, Doto said. They are in front of the Zoning Board of Appeals in the next month or two. Gallo said we're just being nose. Dan, you have not reviewed it yet, Gallo said. Doto said, Dan, I'd be happy to meet with you, and he discussed how the project is scaled down, reducing the scope of pavement and balancing the watershed as best we could. Baroody and Ben Doto discussed that the new site will all be on City sewer.

Mills made a motion to **table** this. Westney seconded the motion. The motion carried unanimously at 7:24 pm. Thank you, Ben, Gallo said.

**APPLICATIONS FOR ADMINISTRATIVE APPROVAL:** Gallo read there are none.

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**ADMINISTRATIVE STAFF ACTIONS:**

Candlewood Pines, Seneca Trail, Lots 10A-14A, Regulated Activity # **576 R**, Pamela Equities Corp., Lot #H03068, RA-80 Zone, revised septic and driveway location.

3 Old Mill Plain Road (aka, Mill Plain Road Cutoff), Regulated Activity # **792**, Sunrise Construction Corp., Lot # C14071, RA-40 Zone, Single-family home addition. (See ZBA 08-15). Gallo read these two items under Administrative Staff Actions. Any questions? Matt Rose asked where is 3 old Mill Plain Road? Baroody took the mic and said it's just before Kenosia; it's Joe Nunes; he is building a house.

Commissioners discussed the site vicinity and Rose pulled out the map. They own a house right there, Rose said. Aunt Hack Road is right behind it, Gallo said. Westney, Gallo, Rose and Baroody discussed the addition to the house. Rose said it gets really wet here, like a pond almost; anyway, just to kind of get an idea where it was.

**ACCEPTANCE OF MINUTES:** Motion to accept the minutes of the 3/12/08 meeting by Bruce R. Lees. Second by Fagan. The motion carried unanimously at 7:29 pm.

**CORRESPONDENCE:** None.

**EIC ADMINISTRATION & FUTURE AGENDA ITEMS:**

193-207 Great Plain Road, Savannah Hills Subdivision, Sycamore Trails Group, LLC,

(Cordeiro) Revised 1/08, EIC # **723RR**, available for review. Gallo explained that this will be going into Executive Session. Baroody said in your packet is a revised plan. We had one Executive Session previously. It's already in court. I have to sit down and review it with Planning and hopefully we'll have comments before your Executive Session, Baroody said. Mills said we should get those comments before our Executive Session. Baroody asked and do you want the City attorney there in the Executive Session? Gallo replied, sure, why not. Tentatively it will be 4/9/08. Gallo said Dan has not reviewed it yet. Mills recalled we as a Commission had made suggestions about what we would consider in the previous Executive Session; I wonder if we could have a copy of those suggestions from the last Executive Session. Fagan explained that Executive Sessions are not taped. Fagan said so it would have to be based on our recollections. Baroody said if you need your memory jogged, I believe you may contact the City attorney.

25 Miry Brook Road, C. Sayers hired soil scientist 3/08. Baroody said I was contacted by Henry T. Moeller, Soil Scientist, who will delineate the wetlands for the Sayers'.

Gallo said regarding the Subcommittee to Revise the EIC Regulations, Pat, would you ask Jessica Soriano to drop everything off that she has. Gallo said Jessica does not have the time now. So I reappoint Jon Fagan as Chairman of that Subcommittee, Gallo said.

Rose said I'm curious about the dredging at the corner of King Street. Baroody said it is a City project, and Tom Hughes (in Engineering Dept.) said that it was done and it will be reseeded with annual rye grass, which comes up in one year, and gives the native wetland plants a chance to take hold. The neighbor across the street mowed that, Lees recalled, if you remember and we cited him when Ben (Chianese) was Chairman.

Westney said I noticed several silt fences and fill being placed right out to the reservoir along Middle River Road. Baroody said I don't recall that we gave any permits for that. Fagan joked it's a Par 3. Baroody said I'll check with the water company; they pretty much have control in that area.

Jon Fagan said one thing, if I may, Mr. Chairman: speaking hypothetically, we did an application similar to 39 and 41 Farm Street; this goes back years, they created a buffer. They allowed the activity, but they created a buffer. I did not get a chance to get all the way back on these lots. One of the things we can do in the future, Fagan said, based on the review from everyone here; if we do one thing for one applicant, should it be the M.O. of the Commission to make other applicants do something similar to protect that wetland in the back. I just didn't know if we; I didn't want to interrupt these particular applications. It would not have been appropriate; the back of the deck on 39 (Farm Street) is 28 feet from the wetlands. Fagan said it was not delineated on their mapping; it was not indicated where the buffer is going to be. Gallo, Fagan, Baroody, Rose, and Lees discussed working out those details with Staff. Fagan said you know what will happen. Fagan said the least I think that could be accomplished is to ask for a buffer. Mills interjected would it be possible, Jon, to address this as a committee; you're chairing Bruce and myself on our subcommittee, so that from that point, we can clarify when those changes are passed, and say this is the way it's going to be. That's for the committee to work on, Gallo said. Baroody said we can set the buffer anywhere we want on the site; it can be left to the discretion of the Commission, as every application is different. Broody

continued, and the DEP frowns on using that word, buffer. The Danbury regulations are not really a cookbook; for every lot you have to have 40 feet. They wanted to have discretion. A lot of towns do that, if you wish to change the regulations, Baroody said. Fagan said my thought was that these folks were putting up a silt fence, and once a silt fence is down, they are going to grade it right out to the property line, and that could affect the wetlands in some way. Maybe I'm neglectful for not bringing it up when the applicant was here, Fagan said. Gallo, Fagan, Mills, and Baroody discussed buffers further. Gallo said it's in there that they have to have a split rail fence. Baroody said the other thing: it's not a deck; it's a flat patio. If they want a deck, they have to come back in; then we could lock them in with a buffer. Fagan said if they don't get it on the map, it can get slippery. Rose said sometimes you see those conditions printed on the map. Are there certain conditions that appear on the map? Secretary Lee said the approval is always tied to a map. Baroody explained saying that locks it in. Rose said what if we put our conditions right on the map? Baroody replied that would be hard to do. It's the builders and homeowners responsibility to know the conditions. The grading permit also can act as a monitor too, Baroody concluded.

**ADJOURNMENT:** Motion to adjourn by Fagan. Second by Lees. The motion carried unanimously at 7:46 pm.

The next regular meeting of the DEIC is scheduled for **April 9, 2008** at 7 pm.