



CITY OF DANBURY
155 DEER HILL AVENUE
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Environmental Impact Commission

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MINUTES

June 11, 2008

Common Council Chambers 7:00 PM

Chairman Bernard Gallo called the meeting to order at 7:20 pm with four Commissioners in attendance.

Present were Gallo, Bruce R. Lees, Matthew Rose, Jon Fagan.

Absent were William Mills, Alt. Kurt Webber, Alt. Mark Massoud, Craig Westney, Jessica Soriano.

Staff present were Daniel Baroody, RS, MPH, Patricia Lee, Secretary, and Corporation Council Robin Edwards.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Fagan.

EXECUTIVE SESSION AND POTENTIAL ACTION:

CONTINUED from 5/28/08: Executive Session: EIC **723 RR**, 193-207 Great Plain Road, Savannah Hills Subdivision (Cordeiro), Sycamore Trails Group, LLC, RA-80 Zone. (EIC denied application **723** on 2/20/07. Appeal rec'd. 3/9/07.) Ltr. from M. Mazzucco rec'd. 6/9/08. Bruce R. Lees made a motion to go into Executive Session inviting Corporation Council Robin Edwards to join them. Fagan seconded the motion. The motion carried unanimously at 7:21 pm. Commissioners and Edwards went into Caucus Room C. The tape was off.

After the Executive Session, the Commissioners returned, and Fagan made a motion to **schedule a Public Hearing** for this issue, no sooner than 7/9/08. Rose seconded the motion and it carried unanimously. Thank you, Gallo said.

SHOW CAUSE HEARING FOR CEASE & DESIST ORDERS:

Cease & Desist Order: 35 Miry Brook Road, Batista, 4/3/08, tabled to next meeting **6/25/08** for restoration plan. They still are not ready, Gallo said. The tenant was moving out. Lees made a motion to **table**. Fagan seconded the motion and it carried unanimously.

NEW BUSINESS:

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Miry Brook Road

Regulated Activity # 803

City of Danbury Airport E19001,E19017,E19024,E19025,E19026,E19031,E19032

Date of Receipt: 6/11/08. Paul Estefan, Airport Administrator, RA-40 Zone.

First 65 Days: 8/15/08. Second 65 Days: 10/16/08. Tree cutting for runway 8. Chairman Gallo introduced this petition at 7:31 pm. Paul Estefan, Airport Administrator, took the mic and identified himself. You have before you a request for work in the Regulated Area. I'd like to break them out and explain them individually if I may. He described first the Grenier property. There is a letter there from the FAA mandating us to cut the trees, or be put out of business. The FAA has funded a grant to cut trees on this property, Estefan continued. We also did a Phase I and a Phase II environmental assessment on the property. We are going to go back to the FAA, and remove everything; one was for humans; one was for animals. Estefan explained how they will return the property to its natural environmental state. About 9.72 acres are involved. We will work in phases. We have until August 1st to get the trees down, and we will make sure we will not impact the ground that is there. There is in the report a description of a vernal pond, and an environmentalist from Vanasse Hangen Brustlin, Inc., (VHB) has described that. If we can cut the trees by climbing them, or using bucket trucks, we will. But if we have to get into the vernal pond area, we will keep impact to a minimum. This will take me about a year. Estefan described the transfer of property to Gallo, right where that three-way stop is. It will make it look prettier and get it back to the way it used to be; all under a federal grant. My people will work closely with Dan Baroody. I need permission tonight to get in there, and we will respect the environment at all times. Estefan described the easement rights on the Wooster School property. So I have the Grenier property, now City property, and the Wooster School property. There are other properties affected, but they are not near the wetlands. Estefan described for Gallo the Wooster property vicinity. Ironically, we did this 7 or 8 years ago. Matt Rose asked about fencing off the area; what type of fence? Estefan said I have to run all of those items through the FAA. I've made sure about the liability issue. Gallo asked are there any further questions? Fagan said I want to hear from Dan and his report. Dan Baroody took the mic at 7:40 pm. Baroody said Staff is recommending a summary ruling to approve. There is a mitigation report in your packets describing the species removal and the planting. On the back page I have eight conditions of approval, and we took out the traditional split rail fence, and put in markers, maybe four by fours with the City seal, Baroody said. Fagan said, thanks, Dan. Fagan said he wishes to thank the applicant for moving this along with the City staff. Fagan made a motion to **approve** this application with eight conditions of approval. Lees seconded the motion and it carried unanimously at 7:42 pm.

57-59 Bear Mountain Road

Regulated Activity # 722 R

Christofer & Robin Cristoferides Assessor's Lot # H04073,H04074, RA-80 Zone.

Date of Receipt: 6/11/08. JMR Construction, Inc. Single-family residence.

First 65 Days: 8/15/08. Second 65 Days: 10/16/08. Ralph Gallagher, PE. Gallo introduced this item # **722R**. I don't see the petitioner here. Dan, you want us to table till you can review it, Gallo asked. Baroody said I don't see the applicant here, and I have not had a chance to review it. We granted this to Ned Murtishi; this is a

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different owner, the same lot, with a different house layout. Fagan made a motion to **table** this. Lees seconded the motion. The motion carried unanimously.

38 Carriage House Drive

Regulated Activity # 802

Manuela & Victor Monteiro

Assessor's Lot # F20136, RA-40 Zone.

Date of Receipt: 6/11/08.

Addition to single-family residence.

First 65 Days: 8/15/08. Second 65 Days: 10/16/08. Artel Engineering. Gallo introduced this at 7:45 pm. Mark Kornhaas, PE, set up the easel, and identified himself at the mic. Our application is on the north side of the road, in an RA-40 zone; a single-family residence, private well and subsurface sewer disposal system. Kornhaas described the proposal for the addition to the rear of the house, and referred the Commissioners to the different colors on his map. Gallo asked are there any questions? Lees asked how close is it; is it 13.5 feet to the brook; how close is that to the brook? Lees continued we start getting within 10, 12, 15, 20 feet; you're digging a basement for it. There's no way it could be expanded to the east instead? Kornhaas said I did ask that question, and he discussed the home layout, garage location, slopes and drainage easement on the east side. You're right. It is very close. The house is on a crawl space now. Lees said they are putting in an addition, a basement, and now they are on a crawl space. Kornhaas said they basically have no storage, except for the garage, now. Lees reiterated his concern for the closeness of the brook. Kornhaas said look at the brook; the photos; the brook has been channelized. It has been altered. Lees asked legally? Kornhaas replied I don't know. Gallo asked are there further questions? Baroody said more time to review it is needed. Chairman Gallo asked do you want to do an on-site? Lees said I want an alternative, and he asked Kornhaas where he cannot expand the residence. Kornhaas said we will visit that for the next meeting. Jon Fagan made a motion to **table**. Rose seconded the motion, as did Lees. The motion carried unanimously at 7:51 pm.

OLD BUSINESS:

Reynolds Road

Regulated Activity # 639 R

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. Tabled 4/23/08, 5/14/08, 5/28/08. Extension ltr. received 5/9/08. Gallo introduced this old business. There has been no change in that. Jon Fagan made a motion to **table** this. Lees seconded it, and the motion carried unanimously.

262 Great Plain Road

Regulated Activity # 795

Egret Properties, LLC

Assessor's Lot # J04197, RA-20 Zone.

Date of Receipt: 4/9/08.

New SF residence construction, well, septic.

First 65 Days: 6/13/08. Second 65 Days: 8/17/08. Wana Rest. CCA, LLC. Dwelling is staked 5/7/08 per M.Scully. Site visit 5/12/08 Baroody, Mills. FirstLight, & seepage analysis requested 5/14/08. Comments rec'd. 5/28/08 from Candlewood Lake Authority. Gallo introduced this petition at 7:52 pm. Rod Cameron, PE, of CCA, LLC, took the mic and identified himself. We have not yet talked to Larry Marsicano from the Candlewood Lake Authority regarding his report, Cameron said. In addition, we have reports that I gave to Pat tonight. There is also a bald eagle nesting area, so we are doing an endangered species study. So we ask you to table this. Jon Fagan made a motion to **table**. Lees seconded the motion. The motion carried unanimously.

89 Triangle Street

Regulated Activity # 796

Alan Lourenco / DRT, Inc.

Assessor's Lot # J14277, IL-40 Zone.

Date of Receipt: 4/9/08.

Site expansion, parking, auto service.

First 65 Days: 6/13/08. Second 65 Days: 8/17/08. B.V. Doto, III, PE. Revisions received 5/14/08. Letter re: environmental assessment received 5/22/08. Parking revisions received 6/11/08. Gallo introduced this item at 7:54 pm. Ben Doto set up his plan and identified himself at the mic saying he is representing the applicant. The only thing we have to add at this time; we are before Planning and Zoning at this time, and we have made some revisions to the parking that they suggested. He showed his highlighted area; this will now be landscaped. There will be slightly more pervious area and more landscaping. Some of those spaces have been moved to the rear. The handicapped space has been restriped. I have an extension letter for 65 days. Dan: we still some time for the environmental study, how to screen for the hazardous material if any when they begin, he will sit down with me, decide what is the best approach. I gave my opinion about what tends to work. We will be digging the trenches anyway, and Doto discussed. Jon Fagan: motion to table. MR: 2nd. motion carried unanimously at 7:57 pm.

Pembroke Road

Regulated Activity # 770 R

Roger L. Crossland

Assessor's Lot # G07044, RA-40 Zone.

Date of Receipt: 4/23/08.

Proposed day care center, 2.503 acres.

First 65 Days: 6/27/08. Second 65 Days: 8/31/08. CCA, LLC. Revisions rec'd. 5/14/08. Existing drainage map rec'd. 5/20/08. Alternatives requested by DEIC 5/28/08. Rod Cameron took the mic again. At our last meeting it was requested that I provide an alternative, and he passed it out to the Commissioners. I left a picture of the previous layout so you can have some frame of reference. Cameron described what changes he has made. We asked the City to review the traffic, and we have not gotten a response back yet from that. Cameron gave the distances to the intersection: Cannon Drive, Barnum Road. Rose asked this other entrance won't be here? Cameron replied I left it only for a frame of reference. Jon Fagan had a question on the code on the plan; the invert was on the previous plan? Cameron said that has not changed, I hope. Jon Fagan said so you stated that traffic is also

looking at this alternative plan, to see if it's a prudent alternative? Cameron said that's correct. Lees thanked the applicant for bringing us the alternative. Cameron said it would probably be more cost efficient to build it this way, but because of the location of the wetlands we would not propose that. Rose said I live off of Pembroke Road, and that would be a real traffic nightmare; it would be a real mess. We have nothing to do with traffic, I know, Rose said. Rose discussed the sight line; the turn off to the Amber Room. Lees said we want to look at this from an environmental impact; I think this is a better plan. We are not supposed to be considering traffic. This is more acceptable to me than the previous, Lees said. Gallo said staff has not had a chance to look at it yet. Cameron discussed the changes from the original plan. My sense is that whenever you do any construction near a wetland, you will have an impact. Here, we can mitigate the impact, Cameron said. But that's a matter of opinion. The owner has a piece of property and he'd like to develop it. Jon Fagan said I think everybody's right. I would suggest that maybe Dan can meet with Abdul, traffic, and see what their thoughts are on it, and maybe have a report for our next meeting. Lees said I recommend tabling this. Lees made a motion to **table**. Jon Fagan seconded the motion, and it carried unanimously at 8:05 pm. Cameron thanked the Commissioners.

Milestone Road

Regulated Activity # 801

Yankee Gas Services Company Assessor's Lot # , Gate Meter Station.

Date of Receipt: 5/28/08. Milone & MacBroom. WCI Communities, Inc.

First 65 Days: 8/1/08. Second 65 Days: 10/5/08. Dong L. Le, Staff Engineer. Under Jurisdiction of CT DPUC (CT Gen Statutes Sec.16-235). Site staked 5/29/08, & gas tap relocated. Site walks 6/9, 6/10/08. New plans rec'd. 6/11/08. We cannot vote on this, so this will be on the next agenda, Gallo said. (Fagan must recuse himself.) The chairman removed it from the agenda, Jon Fagan said.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: None.

ADMINISTRATIVE STAFF ACTIONS: None.

ACCEPTANCE OF MINUTES: 5/28/08 Meeting. Motion to accept the minutes as presented by Lees. Second by Fagan. Motion carried unanimously.

CORRESPONDENCE:

Notice from Town of Ridgefield Planning Director of application for Regulated Activity by Ridgefield Athletic Club for two tennis courts within 500 feet of Danbury border, at 748 Danbury Road, RAC Realty, and Inc.

State of CT DEP Notice of dam maintenance proposed for Parks Pond Dam, Tarrywile Park.

I assume everyone has read these and studied these, Chairman Gallo said. Does everyone have these letters? Lees replied yes.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS:

40A Payne Road, David Tinker, MRF, LLC (EIC **767**). Meeting held 5/30/08, with Rosati, Baroody, and Tinker. Dan Baroody identified himself and said I met with Sean P. Hearty and Mr. Tinker. Mr. Tinker had two problems: operating a business on a site that was only approved for parking equipment. He had put up erosion controls. Since then he's been operating his business out of there. What we resolved at the meeting is: he's going to go to the Zoning Commission to ask for a change of use; special permission. For EIC, he's retained an engineer now. He will come up with a mitigation and wetland crossing plan, an engineering plan, meet with me, and then submit a new permit for a Regulated Activity. Gallo said the so bottom line is he's cooperating now. Baroody said my recommendation is to give the guy more time to see if he makes good on the promises he made at that meeting. I will meet with him pre-application. Gallo said we are not trying to put anyone out of business. Baroody said he told me his business has picked up now, and he can afford an engineer. The EIC Commissioners all agreed to grant him more time.

ADJOURNMENT: Motion to adjourn by Rose. Second by Lees. Motion carried unanimously at 8:11 pm.

Next regularly scheduled meeting date June 25, 2008.