



CITY OF DANBURY
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Environmental Impact Commission

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MINUTES

June 25, 2008

Common Council Chambers 7:00 PM

Chairman Bernard Gallo called the meeting to order at 7:10 pm.

ROLL CALL: Present were Chairman Bernard Gallo, Bruce R. Lees, Jon Fagan, Craig D. Westney, William Mills.

Absent were Jessica Soriano, Alt. Kurt Webber, Matthew Rose.

Staff present were Daniel Baroody, RS, MPH, and Secretary Patricia Lee.

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

SHOW CAUSE HEARING FOR CEASE & DESIST ORDERS:

Cease & Desist Order: 35 Miry Brook Road, Batista, 4/3/08, tabled to tonight's meeting for restoration plan. Gallo introduced this item at 8:12 pm, noting that Batista not his attorney were present. We have not heard from them; I don't know where they are. Lees made a motion to **table** this. Mills seconded the motion. The motion carried unanimously.

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. George Kendall. Detailed planting plan & letter from FirstPower requested by DEIC on 3/12/08. Tabled 4/23/08, 5/14/08, 5/28/08, and 6/11/08. Extension letter received 5/9/08. I understand time is running out, Gallo said. Mills made a motion to deny as incomplete. Lees seconded the motion. Fagan added **deny without prejudice**, as it is incomplete. 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, and seepage analysis requested 5/14/08. Comments rec'd. 5/28/08 from Candlewood Lake Authority. Extension letter rec'd. 6/13/08. Letter & revisions from CCA rec'd. 6/25/08. Baroody identified himself saying on this one we are waiting for additional comments from CLA. Mills made a motion to **table**. Fagan seconded the motion. The motion carried unanimously at 7:15 pm.

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 rec'd. 5/14/08. Letters regarding environmental assessment plan rec'd. 5/22/08 & 6/19/08. Parking revisions & extension letter rec'd. 6/11/08. Screening report done by Dan Baroody today. Ben Doto, PE, identified himself at the mic, saying last week I had a chance to meet with Dan, and I think he has a staff report. Are there any questions for me, Doto asked? We did put trenches in, and we'll also do some screening. Baroody identified himself stating the engineer has worked with the Health Department, and I am recommending a summary approval. The Still (River) is the only resource out there. Based on our usual 8 conditions of approval, adding condition 9, to be performed as stated in the engineer's outline, which is in your packet. Fagan asked Ben, did you have a chance to review the staff report? Doto replied no. It was pretty straight forward. Lees asked about any type of storm drain labeling. Make that condition number 10. Doto said that is not a problem: stenciling is fine, all drains, runoff; I know we've done that before. Fagan made a motion to **approve** based on a summary ruling of Health Department, adding conditions 9 and 10, to include labeling, and based on the sketch provided by the Health Department. Mills seconded the motion. The motion carried unanimously at 7:19 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. Alternative plan received 6/11/08. Gallo introduced this item at 7:20 pm, and Rod Cameron from CCA came forward. At the last meeting, Cameron said, we discussed an issue related to an alternative to the site, and I sat down with the traffic engineer, but I don't know if he did a report. He basically agreed that the access way we have now is appropriate, but I'll wait for his report, Cameron said. Baroody said I have not received that report yet. Lees made a motion to **table** this. Fagan seconded the motion. The motion carried unanimously.

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. Revised site plan rec'd. 6/11/08. Jon Fagan recused himself while Gallo reviewed what had been done. The only action we can take this evening, Gallo said, is to make a positive recommendation. Baroody identified himself; I want to submit my draft report on the project impact. Staff recommends a positive recommendation on the project; we really can't act as they are exempt, which their attorney had described to us previously. Basically, our conditions are contained in the letter attached to my report, dated 6/24/08: 6 bullet points that the applicant has agreed to perform. They moved their mainline tap out of the wetlands. Mills said I'd like to thank Yankee Gas for working with this Commission; I'd like to make a **positive recommendation**. Lees seconded the motion. Gallo summarized the petition asking any remarks? The motion carried unanimously by four, with Fagan recused. Thank you, Gallo said.

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. R. Gallagher, PE. Gallo introduced this item as Gene Grenier took the mic. The intent is to move the house to a different location, Grenier said. We decided to move the house to a better location. I think it's a better way; and Grenier described what's shown on the new map. Grenier said thank you at 7:25 pm. Baroody took the mic saying I met with Mr. Grenier pre-application, and basically they are moving the house further away than was approved for Mr. Murtishi. But I would need more time to do a detailed review on this, Baroody said. Gallo said you are requesting to table this till 7/9/08. Lees asked is the house staked? Grenier replied why would we stake it, if it is already approved at a worse location. It's better all around, Grenier said. Baroody said, through the Chair, show us where the house was proposed before. Grenier indicated the spot on Plan #04106-R6. Lees asked is it outside of the Regulated Area? Baroody replied no. Gallo said I think we don't have to make him stake it again. Mills said, to the best of my recollection, it was to be put on a slab. Secretary Lee pulled the old Murtishi file for Chairman Gallo. Westney and Grenier discussed the distance with Dan Baroody. We brought Dr. Danzer out there last time, Baroody said, and most important was the spring seep here. Mr. Murtishi wanted to put his house here, and the soils did not qualify as a wetland. Baroody continued now he's pushed the house further up the hill. Fagan said if there are no further questions, I would encourage Staff to have a report for next meeting; and Fagan made a motion to **table**. Baroody asked the Commission do you want the applicant to stake the house? Do you think that that's necessary? I don't need to go back out there, Gallo said. You don't have to restake. Lees seconded the motion. The motion carried unanimously at 7:30 pm.

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. Letter from Ridgefield rec'd. 6/12/08. Gallo: introduced this item at 7:31 pm, and Mark Kornhaas, PE, from Artel Engineering Group, LLC, came forward with his plans. Kornhaas identified himself stating the Monteiro's are here with me tonight. Regarding the few questions you had asked, to minimize the separation distance from the wetlands to the foundation, Kornhaas handed out a three-page response, the site plan, Alternate Plan 1, and Alternate Plan 2. The purple is the 25-foot setback line and the red is the encroachment area. He described Plan 2; again the red is the encroachment into the 25 ft. setback area. The basement is very important to the applicant, Kornhaas continued. They need to place all their utilities, heating, air conditioning, in the basement. We are attempting to work with the Commission. Westney said, so if I understand correctly, we've gained half a foot. We've gained three feet, Kornhaas said; the original plan was 15 ft. Westney said it's 14.79 feet; it looks like the distance to the brook has only changed about half a foot. Kornhaas said you are correct, in some places it's very minute. In other places it's up to a foot or two. Gallo asked are there any further questions? Dan? Baroody said maybe a site walk would be appropriate. Gallo said Dan will set it up with you. Lees asked Kornhaas to stake the measurements off the house. Mills asked are wetlands flagged? Kornhaas replied they are out there; they are visible. Lees made a motion to **table**. Fagan seconded the motion. The motion carried unanimously at 7:39 pm. We'll do an on site, Gallo concluded.

NEW BUSINESS:

55 State Street

Regulated Activity # 804

Venancio Realty, LLC

Assessor's Lot # I14424, C-CBD Zone.

Date of Receipt: 6/25/08.

6-unit townhouses, driveways, utilities, parking.

First 65 Days: 8/29/08. Second 65 Days: 11/2/08. M. Mazzucco, PE. Chairman Gallo introduced this new petition at 7:40 pm, and Michael Mazzucco set up the Lauren Square plans on the easel. Mazzucco identified himself, saying he is representing Venancio. It's an inner City site; I'll show you on the maps what's going on. We're located on the eastern side of State Street, where it gets very steep as it goes to Town Hill Avenue. I can show you about the drainage on the 500 foot Driveway Area Map. That's where it all drains to, Mazzucco explained. There's a gravel parking area; a dwelling with maybe two units as it exists. It's proposed to develop it into a 6-unit condominium; Mazzucco discussed the parking requirements, reducing the number with Jennifer L. Emminger, Associate Planner, down from seven units. There are some wetlands as you look across the boundary to the neighbor's yard. It is saturated for a good part of the year. It's a Regulated Area. We do propose raising the site a little bit on the western side, Mazzucco said, to provide for the galleries. We have one long row of galleries, since the site drains westerly; we are reducing the flow from, I think, 3.5 cubic feet per second down to 1.7 cubic feet per second; about a 50% decrease. And then just the details: it will be served by

water and sewer. We've been asked to put in a hydrant, Mazzucco continued. We are before Planning for a Special Exception since this is the C-CBD zone. Fagan had question on where is it wet? Michael Mazzucco said it's probably the rear third of that property. It is not flagged because it's on somebody else's property. Just by observation, it's wet. Fagan asked the property is clearly staked though? Would a soil scientist be able to declare; what I'm trying to say, to have a soil scientist decide if any wetlands are the applicant's property. I agree we cannot stake wetlands on somebody else's property. Fagan said. Otherwise it's hard for this Commission and for Staff to determine. There are always sticky situations, Fagan said. Michael Mazzucco said you can see it's been elevated; but we can certainly have somebody take a look at it. Fagan said if that chain link fence is still there, as it was in 2002, maybe Dan or Mr. Danzer could take a look for us. Michael Mazzucco said yes, whatever you want us to do; Dan can call me. Fagan: reiterated I think it's needed. Michael Mazzucco said okay; fair enough. Fagan said in an application like this: the wetlands are on the neighbor's property; it says a lot about the applicant, as he did not have to come before us. Mazzucco said I'll just wait to hear from you, Dan. Fagan made a motion to **table** this. Mills seconded the motion. The motion carried unanimously at 7:49 pm.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: N.A.

ADMINISTRATIVE STAFF ACTIONS:

190 White Street

Regulated Activity # 800

190 White Street, LLC

Assessor's Lot # J13004, CG-20 Zone.

Date of Receipt: 5/14/08. Hats Off To Kids Daycare Center. Susan Quimby. Artel Engineering. Rear lot 1.321 acres. Administrative Approval by D. Baroody 6/18/08. Gallo read the above. If there are any questions, just jump in here, Gallo said. Mills asked did you cover Correspondence yet? Gallo said we're not there yet.

ACCEPTANCE OF MINUTES: 6/11/08 Meeting. Motion to approve the minutes as presented by Lees. Second by Fagan. Motion carried unanimously.

CORRESPONDENCE: Wetlands application filed with the Town of New Fairfield, John & Maureen Callanan, pool at 23 Pondfield Road, within 500 feet of the boundary of adjoining municipality. Gallo read this. Mr. Mills said, through the Chair, I'd like to ask Dan Baroody, when you get something like this from New Fairfield, do you as a rule go out and take a look, or do you feel it is not necessary? Baroody replied if you remember the Toll Brothers in Bethel, their application; they had wetlands within 40 feet of our boundary, but Corporation Council said we can't regulate it. Even if it's the worse case, we can't regulate it. Mills asked why notify us then? Baroody and Gallo replied it's a State law.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS:

CONTINUED from 5/28/08, 6/11/08: 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. Voted 6/11/08 to **move to Public Hearing** no sooner than 7/9/08. Fagan said do we want to entertain setting the date now for the Public Hearing tonight? Dan Baroody said we have not heard from our legal department, and certain court documents have to be submitted, and then if all parties are agreeable, they will notify us, and then we can set the date. Mills said thank you.

Mills said I have one more question: Mr. Tinker. I was not at the last meeting. When are they going to come before us? Is there a specified time that they have to come back before us? Since you are going to work on it. Baroody said at that meeting, with Sean Hearty, myself, Tim Rosati and Mr. Tinker, Tinker said he had to apply for a Special Exception, a change of use, so he has to first go to Zoning for a permit for that. He advised us that he will come in simultaneously to Zoning and to the EIC. We did not give him a time limit. We just gave him more time. Gallo explained that Tinker is cooperating; see if he makes good on his promises. Fagan added that will dictate what he can or cannot do out there, per Zoning's decision. Mills asked can you reply back to us at the next meeting if anything transpires from Zoning? Baroody explained Zoning is going to drive the thing. Gallo said so this could take months, not weeks. Lees added, years. Mills said Mr. Baroody and I went out and saw it, and Mills described what was seen, the C & D Order that was sent; but the Health Department and Zoning should try to get moving. If you could give us a report in 30 days, because I just cannot see letting that go. Baroody corrected Mills: we are not letting it go. We could send it up to Corporation Council and have them sort it out. Mills said 60 days; 90 days; something; so now the City has bent over backward to let this man correct his violations, so can we have a monthly report? Baroody said, not to belabor the point, it's been my experience that if you work with people, using cooperation rather than confrontation, you'll get better results. Gallo and Mills discussed the history of the project. Mills said if we did not request the meeting, he would not have come back in. Baroody reiterated, again, Zoning must take the lead. I do not have stop-work authority. The Zoning Enforcement Officer has stop-work authority. Gallo concluded just let us know if he gets the Zoning.

ADJOURNMENT:

Motion to adjourn by Mills. Second by Fagan. Motion carried unanimously at 8 pm.

Next regular EIC meeting is scheduled for **7/9/08**.