



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

Environmental Impact Commission
www.ci.danbury.ct.us
203-797-4525
203-797-4586 FAX

MINUTES

July 9, 2008

Common Council Chambers 7:00 PM

Next regularly scheduled meeting date **July 23, 2008**, at 7 pm.

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

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

SHOW CAUSE HEARING FOR CEASE & DESIST ORDERS:

Cease & Desist Order: 35 Miry Brook Road, Batista, 4/3/08, tabled to 6/25/08 meeting for restoration plan. Photos taken 7/7/08 by City Staff. Chairman Gallo introduced this item and Attorney Neil Marcus took the dais and identified himself. To Baroody, he said I know you have some pictures. Dan Baroody said I want to put into the record photos that were taken on the site, and there are little descriptions on each you can see, as he handed them to the four Commissioners. The masonry tenant that was there had cleaned up a lot of the loose concrete, but they informed me that a lot of that stuff was there before they moved in. Baroody continued those stakes are on the property line. Baroody described the vantage points of each photo as he distributed them. On this area, you can see the pink line where the surveyor set up and that's approximately where those stakes were driven. It's all one big parcel owned by Edward Batista. Neil Marcus asked does anyone have an estimate on how old this fill is? Baroody replied "historic fill", I call it.

Neil Marcus said they made the place a mess. I checked with Mike Struna, the agent, and he said it was filled like that when it was sold years ago. The prior owner might have been the person who filled it; he parked trucks on the property, Marcus said. Mr. Batista is going to go out and make this better. The tenant has just left and cleaned up the yard in the last maybe 30 days. We've asked Artel to go in and come up with a plan. We will do restorative planting. If you take the stuff out, you may make the situation worse. Marcus said I don't think that Batista was involved at all; he'll do what he can to make it better. Marcus referred to Mark Kornhaas as the expert who will plan the restoration proposal. Marcus asked them to kick it to the

August 27th meeting and by then Artel will have a plan. The building itself is in tough shape, and we make come back with an application for you for that, Marcus said.

Lees said on lots of these Cease & Desist orders, we get the date. And then, oh, well, something happened, and it gets put off. I'm just asking for your word. We've got to move these things along, Lees said to Marcus. Oh, winter has set in; we have to wait till next spring. Marcus said then how would you feel about your first meeting in September? Mills said I'm requesting the applicant pull back all of the fill from the town line back to their boundary; most of it looks like Colprovia; pull all the fill in these pictures to your boundary line. Marcus said we'll probably need Paul's (Estefan) permission to do that, and Marcus referred to the history of the site's fill. Mills said your client owns the property now; get a backhoe and pull that out to your property line, and come back with a planting plan, or some kind of a fence, and then we can move on. Marcus replied you've got the answer; that's what has to be done. Gallo referred to Mike Struna. Lees made a motion that the **applicant come back to us with a restoration plan by September 10th**, 2008. Mills seconded the motion. The motion carried unanimously at 7:16 pm.

OLD BUSINESS:

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 Barody, Mills. FirstLight, & seepage analysis requested 5/14/08. Comments rec'd. 5/28/08 & 7/7/08 from CLA. Extension letter rec'd. 6/13/08. Letter & revisions from CCA rec'd. 6/25/08. Danzer comments rec'd. 7/9/08. Rod Cameron took the mic and with regard to this project there are a number of letters that have been flying around. We received a letter from CLA, Matt Scully responded, and another letter from CLA was received by us on Monday, and I called Larry Marsicano and we have some proposals to downsize the project. In addition, we received a letter from Steve Danzer and we have not as yet had time to address that. Gallo: can you have this by the 23rd? Fagan said he's running out of time. Fagan made a motion to **table**. Lees seconded the motion, and the motion carried unanimously.

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 received 6/11/08. Extension letter received 6/30/08. Cameron remained at the mic for this. The outstanding issue had to do with the alternative plan reviewed by the City Traffic Engineer. I assume you have received that. Secretary Lees said it's in your packets. Gallo said you don't have to read it. Cameron said the essence of the letter is that Mr. Mohammed has some additional items that he'd like us to take care of when it is

2, said the right side of the house, "The owner/developer shall field locate all wetlands boundaries and buffers prior to the initiation of any site work. The wetland buffer is defined as an undisturbed area adjacent to the wetland characterized by dense natural or native vegetation. It is an essential wetland enhancement/protection measure, and relates primarily to wildlife habitat and water quality protection". You said you would put some kind of buffer on that side? Kornhaas replied we do have some grading on that side, so this would be the appropriate place to enhance the buffer. Mills asked how far on the east side. Kornhaas answered probably a foot or two away; the topography does not lend itself to anything different unfortunately. Lees asked about any flooding or overflowing of the banks. Kornhaas said it can take a lot of flow in there. Lees and Mills wondered about some type of fence (neither made the site walk). Baroody said the grade falls away there. Lees asked do the eight conditions of approval stand then? Gallo asked is there anything else? Lees made a motion for a summary ruling with 8 conditions of **approval**. Jon Fagan seconded the motion. The motion carried at 7:35 pm, with Mills in opposition, three in favor (Fagan, Gallo, Lees).

55 State Street

Regulated Activity # 804

Venancio Realty, LLC

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

Date of Receipt: 6/25/08.

6-unit townhouse, driveways, utilities, parking.

First 65 Days: 8/29/08. Second 65 Days: 11/2/08. M. Mazzucco, PE. Dan Baroody announced that Staff would request that you **table** this as we did not get to do a site walk. Fagan made a motion to table. Lees seconded the motion. The motion to table carried unanimously.

NEW BUSINESS:

20-22 Old Ridgebury Road

Regulated Activity # 806

Joseph Putnam

Assessor's Lot # C15010, CA-80 Zone.

Date of Receipt: 7/9/08.

Site improvement, add'l. 3 stories.

First 65 Days: 9/12/08. Second 65 Days: 11/16/08. M. Mazzucco, PE. Michael Mazzucco, PE, came forward again, and displayed his plan, with Joseph Putnam in the audience. This is an application for 20-22 Old Ridgebury Road; it is actually a change of use, and there are some wetlands on the property, and I will just show you that on the map, Mazzucco said. You can see that this is Route 84 at the top of the page. This is the Sheraton; it used to be the Hilton. It is currently improved with two buildings, one to the west with a serpentine driveway with a moderate to steep grade. Then a building in the rear, and beyond that building is the wetland delineation (see #08018 plans). Mr. Putnam wants to change that to a self-storage facility, and the footprint would not change; a total of four floors, three additional floors, and the foundation may need improvement. Mazzucco described the vicinity, adjacent to a residential zone, and because of the fire department requirements, the building will have to be sprinklered; so a water line would be run down, maybe looping that through Kensington Woods, if that's possible. This may get kicked down to Administrative Approval, Mazzucco said. There's nothing going on with the front building; there are no immediate plans for that at this time. It is a Special Exception

Use in the CA-80 zone, and it's in Planning; and the Public Hearing there is next Wednesday. Mills questioned the possible future change of the layout of the road. Mazzucco replied not at this time. We may look at changing the driveway later to a lesser grade. Mills asked you have no intention to widen it? Mazzucco replied no; no plans to change that; add a little island for a light and a keypad. Mills posed a question on the location of the impervious surface. Mazzucco described what impervious surface they will be adding. But when I did the calculations, Mazzucco said, we end up with less impervious surface. Mills said, as my last question, what about stormwater management, runoff; where it's going to go. Mazzucco described the catch basin; there's really no change in the grade. We'll maintain that flow across that area. Mills said I'm just curious to know if those catch basins have been cleaned out; the winter months, maybe a double catch basin. Mazzucco said it's a 24" pipe, but we will certainly look at that. Good point. Lees said I would ask for the correct stenciling on the catch basins; it does work. Mazzucco said no problem; sure. Fagan asked when were the wetlands staked? It references a map that is not in your packet. Mazzucco replied I'm not sure. Mazzucco flipped through the plans. I think what happened; I'll either get the copy of the map, and Mazzucco explained what Syd (Rapp) provided and what Syd stripped off that map at Mazzucco's request. We'll have Syd show it on his map, Mazzucco said. Fagan said if you site a map, it should be a part of the record. Our charge is to protect the wetlands. With all due respect, you can't certify the location of the wetlands. This is probably spot on, Fagan continued. I know you and I know Syd, Fagan said. That map should be a part of that record. Mills asked why don't you just flag it? Fagan said it may be flagged now. We don't know. We don't know who flagged it. We are just taking your word that this map you cite is correct, and it probably is, Fagan reiterated. Gallo said let's hear from Mr. Baroody first. Baroody said with the proper material turned in, a soil report and location of the wetlands; if I had those things, I would have no problem with an Administrative Approval. It's an incomplete application at this time, Baroody said. Lees made a motion to **table**. Fagan seconded the motion. The motion carried unanimously at 7:49 pm. Gallo said thank you, gentlemen.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: None.

ADMINISTRATIVE STAFF ACTIONS:

18 Christopher Columbus Avenue Regulated Activity # 791

Kenosia Town Park Assessor's Lot # D15022, IL-40 Zone.

Artificial turf field & spray park.

6 Apple Blossom Lane Regulated Activity # 805

Guy L. DePaul Assessor's Lot # J10008, RA-20 Zone.

Above-ground pool.

Gallo read the above two Administrative Approvals, done 7/3/08, by Daniel Baroody, RS, MPH, into the record.

ACCEPTANCE OF MINUTES: 6/25/08 Meeting. Motion to accept the minutes as presented by Lees. Second by Fagan. Motion carried unanimously.

CORRESPONDENCE:

Chairman Gallo read the two items of correspondence:

CACIWAC Spring 2008 Newsletter.

Optasite & Omnipoint (T-Mobile) 6/30/08 application to CT Siting Council for construction of telecommunication facility (tower) at 52 Stadley Rough Road. Gallo read the two items of correspondence.

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. Gallo suggested 7/23/08, if no one has a problem with that. Jon Fagan said he will be away. Gallo remembered I may be away too. If we can do it in July, let's do it in July. Baroody brought up the issue of needing time to notice the Public Hearing twice in The News Times. Chairman Gallo said, okay, the date of Public Hearing will be August 13th.

Public Hearing date set for August 13, 2008, at 7 pm, by Chairman Gallo. (**NOTE: Public Hearing date later revised 7/11/08 to August 27, 2008.**)

ADJOURNMENT:

Motion to adjourn by Lee. Second by Fagan. Motion carried unanimously at 7:54 pm.

The next regular meeting of the DEIC is scheduled for **July 23**, 2008.