



CITY OF DANBURY
155 Deer Hill Avenue
Danbury, CT 06810

Environmental Impact Commission

www.ci.danbury.ct.us

203-797-4525

203-797-4586 fax

MINUTES

July 23, 2008

Common Council Chambers 7:00 PM

Acting Chairman Bruce R. Lees called the meeting to order at 7:03 pm. Present were Lees, Craig Westney, Matthew Rose, William Mills.

Absent were Alt. Mark Massoud, Jessica Soriano, Bernard Gallo, Jon Fagan, Alt. Kurt Webber.

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

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Westney at Lees' request.

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. The dwelling is staked 5/7/08 per M. Scully. Site visit 5/12/08 Baroody, Mills. FirstLight comments & seepage analysis requested 5/14/08. Comments rec'd. 5/28/08 & 7/7/08 from CLA. Extension letter received 6/13/08. Letter & revisions from CCA rec'd. 6/25/08. Danzer comments rec'd. 7/9/08. Site visit 7/17. Responses, revisions received 7/22/08. Lees introduced this item and Matthew Scully, PE, took the mic. I'm sure you've all been briefed on this application, going over the comments made by CLA and Dr. Danzer, and the modification and revision we've made in response to those comments. I'll start with the Candlewood Lake Authority. The proposal nowhere indicates that we plan to denude the vegetation; we propose to take down seven of those trees. Scully described what he's calling the site; the acreage closest to the Lake. I would have to disagree with Mr. Marsicano's assertion that we will denude the site. His second comment refers to the septic system on the steep slope, and Scully explained that it's not that steep; it's less than Marsicano indicates. A similar system appears to be working properly; there are several systems like this around the Lake. We do have to submit the system to the City sanitarian. Lees asked are there any questions? Have you talked to Larry Marsicano? Scully noted when they last talked, and we do have a meeting scheduled for next week. Lees asked if Marsicano could please draft another letter to us after that meeting. Scully continued to review Marsicano's comments: the driveway crossing, the drainage pattern, the proposed driveway up to the house, the sheet flow, the level spreader and its size. We've downsized the house, and Scully explained his calculations for the velocity of the water as it goes over the level spreader. We are quite adequately keeping the drainage pattern the same. He discussed porous brick pavers, the slowed water velocity, some permeation, and cross-pitch. Scully discussed the location of existing wells and the proposed septic site; the

septic system area is on a shallower slope; the location of the ledge, the area of special concern above that where there could be breakouts, and the adjacent property boundaries. The pump house is below the 440 line; we do not own it; we did not build it, so we have no right to ask for its removal. The nitrogen going back into the ground is not being removed; it is being diluted, which Scully explained. This is now a four-bedroom house. In conclusion, we've reduced the size of the house footprint, and we've taken Marsicano's comments into consideration, which modifications Scully enumerated. The septic plan will have to go to the Health Department, and they can send it for State review if they think it's necessary. Scully moved on to the comments by Dr. Danzer. We designed the site within the 2002 erosion guidelines, and Scully discussed the silt fencing proposed, the quantification and qualification of the seeps as described in Michael Klein's report. Klein defined no intermittent watercourses on the site, Scully said. Scully talked about the bald eagle, and the DEP's response is in your package; the eagle would not be disturbed. Scully addressed the request for a Vortech unit on the site; the only place to install it would be as far downslope as possible. The problem that we encountered was piping it to someplace else; the porous pavers and level spreaders on the reduced grade would replace the need for a Vortech unit. Scully discussed the tree-clearing sequence so the trees don't fall towards the Lake; the silt fence, the clearing, the hydro-seeding proposed with the coconut fiber matting (he showed a sample) and a tacifier. We will have certified professionals on the site. We have provided a Conservation Easement line and a mitigation planting plan, with plants and wildflowers that are native to New England. Mills had a question on the reduced size of the house and the upcoming meeting with Marsicano. Mills said I'm anxious to see if you can make the septic system smaller. Scully said we're using the same system with a different height.

Westney asked for a clarification of the comment about the dirt and gravel access drive, and how it will be maintained. Scully explained the stable access area for the community to get down to the Lake. Baroody said Staff requests that the item be tabled until we hear from the FirstLight Power Company, and until we hear from the Health Department about the septic and possibly from the State, as the applicant suggested.

Scully read his letter from FirstLight, from Brian Wood, and their having no jurisdiction in that area in response to my e-mail to him. Scully responded to another of Marsicano's comments: if they should move the house after the meeting next week. Mills said he concurs with Staff that the City look at the septic, and that the applicant meet with Marsicano. Mills made a motion to **table** to 8/13/08. Rose seconded the motion. Motion to table carried unanimously at 7:29 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 rec'd. 6/11/08. Extension ltr. rec'd. 6/30/08. Comments from Traffic Engineer rec'd. 7/9/08. General plans rec'd. 7/14/08. Rod Cameron took the microphone, identified himself, and said we have submitted the revised plans showing a wider entrance and addressing EIC's concerns. At this time we ask that the Commission make a decision on this. Dan Baroody, seeing no questions, said we need more time to review the application, and we did get the report last time from our Traffic Engineer, and we will have a report for the next meeting. Mills had a question about the Traffic Engineer's comments which were presented at the previous meeting, and Cameron responded to Mills about their measure of safety provided. The other aspect is to try to minimize the footprint of the development on the site, Cameron explained. Mills motioned

to **table** this. Westney seconded the motion. The motion carried unanimously.

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. Site visit 7/17. Impact report 7/23/08 by D. Baroody. Michael Mazzucco, PE, came forward and said he represents the applicant on this, and he asked who had done the site visit. (Gallo, Mills and Baroody). Mills had a question on the rip rap, the drains, the driveway grades, 8% and 12%, pitching all that water to outlet right where there's a wetland. Mazzucco said currently the water does sheet flow across the property; it all heads down. What we are doing, the grade across the driveway is flat; the maximum requirement for the driveway grade is 12%, if you look at where the road is. That's why I had to put all these catch basins in, and Mazzucco explained the grades and basins. It's less than probably 1%. Mazzucco and Mills discussed the water train through the galleries, the CFS, the attempt to improve the wetland here for the neighbor and the applicant. This fellow here is trying to have a yard, Mazzucco said. Mills asked about a maintenance plan. Mazzucco said usually twice a year; we can get you a report for that. Mills again asked for a clarification on the drains cleaning; the maintenance plan. Dan Baroody took the mic at 7:40 pm, saying I want to put into the record my project impact report. They have moved it as far from the wetlands as possible, Baroody said. Staff is recommending a summary approval with 8 conditions, and we can add condition 9 to add a stormwater maintenance plan. Lees asked are there any questions or comments? Rose made a motion to **approve** EIC #804 with the nine conditions of approval, including the drainage maintenance. Mills seconded the motion. Motion carried unanimously at 7:22 pm.

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. Subdivision plat rec'd. 7/14/08. Impact report 7/23/08 by D. Baroody. Revised plans, soil report rec'd. today. Lees introduced this item, and Mike Mazzucco said that's me again. Lees told Mazzucco to take his time. Mazzucco again took the mic saying he's representing Joe Putnam (seated in the 1st row). We did submit a soil report today by Jim Cowan, who verified that the wetland boundary is essentially correct, Mazzucco said. We did make some revisions, and Mazzucco went to the plans on the easel. We did file an application with Planning as well, since this is a Special Exception, and I apologize for submitting them so late. We did show, as was requested, the double row of silt fence, between that and the wetlands: this heavy dashed line. There are roof drains; we show two separate lines. The lower basin is actually in pretty good shape and pretty clean. The only basin really silted up is the one mid-slope. We did add a periodic maintenance plan, right on the plan, and the other City Departments (Engineering, Fire, Dave Null) will be submitting their comments; but there is an issue here about the pressure and we've modified that water line with Dave Null. Mazzucco discussed the tree line, to fill in that gap to protect that neighbor. Mills said he had a question. Lees asked him to wait to be recognized by the Chairman. Mills asked

about the proposed buffers on the other side; that jog; is the buffer on the other side of the fence? Mazzucco replied that should probably be pulled out. Jennifer Emminger wanted to extend that along that tree line. Mills said we did do a site walk, and I ask that you clean it all up and put some more riprap in there. Mills reiterated those requests. Mills asked about in the back, about midway, is that just a concrete pad? Mazzucco said I have no idea what it was for. Mills next asked about the stone dirt drive: will it be impervious surface or will it be seeded? Mazzucco explained that a portion will be impervious surface and a portion will be grass. Mills asked about the drainage outlets, and the possible impact, at the top of the piece of property; that current building, the two shown catch basins. And I was just curious, (Tape 1 flipped to side B) Mills said. Mazzucco said I put a note on that, that all that's to be cleaned up. Mills and Mazzucco continued discussing the question about the catch basins and the maintenance plan provided. Rose asked was a phase I or phase II done on the property? Joe Putnam said both were done, and it's 100% clean. Dan Baroody took the mic at 7:53 pm saying I'm submitting my report, and the applicant has worked with the Health Department. There is no disturbance of the wetlands, so Staff recommends a dard conditions. Mills asked Baroody is it necessary to add a ninth condition of approval, adding riprap? Baroody said then you are asking the developer to go into the wetlands to do the work. Mazzucco accepted this. Lees asked if there was further discussion. Westney motioned to **approve #806**, with 8 conditions of approval. Rose seconded the motion. Motion carried unanimously at 7:54 pm.

NEW BUSINESS:

Federal Road

Regulated Activity # 807

Algonquin Gas Transmission, LLC Cathodic protection ground bed.

Date of Receipt: 7/23/08.

First 65 Days: 9/26/08. Second 65 Days: 11/30/08. Spectra Energy Transmission. Lees introduced this, as Denis Blais from TRC in Portland, Maine, representing Algonquin Gas Transmission, took the mic. Blais said with me is Chuck Thomas, Corrosion Technician with Algonquin. Blais, using the plan on the easel, described the protection ground bed, the water load, the electric charge, the corrosion protection. We selected the site right off of Federal Road. One unique design element is they typically put them in a wetland. The ground bed will be a new rectifier and junction box; it will continue along the existing Algonquin Gas Transmission pipeline right-of-way; they trench it in, and backfill as they go. The will install twenty of these individual anodes. It's about 740 feet long; the entire system, and we anticipate the small wet area will be dry when we do the installation. Lees asked for clarification on the vicinity, where the digging will be, which Chuck Thomas explained. Blais described the temporary impact in the wetland; the wetland mitigation will include topsoil segregation; the area is flat in there, so erosion controls are not needed, unless there is an overnight spoil pile. There will be a company inspector on site, and everything will be restored to preconstruction condition, and he described the seeding and revegetation the following year. It should take about 5 days to install the system. Once completed, there's no reason to go back in. It just sits there and works for up to 30 years. Blais said we won't be cutting any trees: we can bump out the fence line around them in this open floodplain forest. Lees asked if the Commissioners had any questions. Craig Westney asked is this area maintained? Blais said it's mostly the Highway Department that mows and maintains it there. Westney and Blais discussed maintenance, which Chuck Thomas and Blais described. Staff Baroody took the mic at 8:05 pm and asked that the wetlands be flagged so we can do a site walk. Contact me and we can set up a site walk. Blais said okay. Mills made a motion to **table** to 8/13/08. Westney seconded the motion.

Motion carried unanimously.

7 Lakeside Road

Regulated Activity # 808

Hristo Miljovski

Assessor's Lot # H11219, RA-20 Zone.

Date of Receipt: 7/23/08.

Single-family dwelling, septic, driveway.

First 65 Days: 9/26/08. Second 65 Days: 11/30/08. R. Gallagher, PE. Hristo Miljovski identified himself at the mic and described the vicinity as the Commissioners reviewed the plans. Lees said to Miljovski we have a map here. You just submitted the plans in the last couple of days. Lees explained the review procedure of the plans to the applicant. We and Staff need a chance to look at it. The Subsurface Sewage Disposal System Plan and the narrative description by Ralph Gallagher is in the package. Lees said you may want to have Ralph at our next meeting. Communicate with Staff, Lees said. Any other points or questions? Westney said the application says there are no impacts to the wetland, and Rose and the applicant discussed the pond on the map. Lees said some times Staff can get us a report by the next meeting. Miljovski described the septic system proposed and the water connection. There is no plan to connect. Miljovski said it will have a septic and a well. Rose motioned to **table**. Westney seconded the motion, and it carried unanimously.

8 Casper Street

Regulated Activity # 441 R

Mannkind Corporation

Assessor's Lot # J14271,J14272, IL-40 Zone.

Date of Receipt: 7/23/08.

Storage shed on pad in existing parking lot.

First 65 Days: 9/26/08. Second 65 Days: 11/30/08. Artel Engineering Group, LLC. Artel is not here. Dan Barody took the mic. The engineer is not here; I suggest we table this. Westney made a motion to **table**. Mills seconded the motion, and the motion carried unanimously.

Saw Mill & Old Ridgebury Road

Regulated Activity # 809

WCI Communities, Inc.

Assessor's Lot # B15001, PND Zone.

Date of Receipt: 7/23/08.

Reserve Road, Recreation Area, 4± acres.

First 65 Days: 9/26/08. Second 65 Days: 11/30/08. Surveying Associates/ Tighe & Bond. Lees introduced this at 8:12 pm. John Dolan, project manager for WCI Communities, Inc, identified himself and said I am here to present our pool and tennis club for our three residential (Rivington) communities in The Reserve. We have site plan approvals for two of the three, and Dolan described the project underway, and about 90 families have moved in to date. We want to get started on this amenity, and to help generate sales for future residents. Erik W. Lindquist, Engineer, from Tighe and Bond identified himself, and he took the mic over to the easel, and he identified the various phases on the overall Reserve map, and which ones have construction permits. Lindquist produced a site rendering and what exists there now: parking, flagpole, utility structures for the Union Carbide building. He described the drainage for the site and how it will be treated and trained, the Vortech unit, the courts proposed, the swales, and the stormwater quality measures. We met with

Dan Baroody and we will work with his comments for the site. Lindquist reviewed the amenities the project will provide. Mills, before being recognized by the Chair, asked for the wetlands to be flagged and the corners of the building to be staked. Baroody said the wetlands were staked last year. Lindquist said our printer went out on us today, and he explained the dimensions to the wetlands. Lees asked what is that line right there? The light green is a biofiltration swale, Lindquist explained, and he described how it will work. Lees asked how it looks. Lindquist said it's grass really. Mills asked is the light brown the building? Lindquist went into more detail about the building, the paved area, the pool, the play area, the tennis and bocci courts, and the landscaping. Mills again asked for flagging and staking, and to notify Dan or Pat Lee when that's completed. Westney asked about the pool filtration system and where that will run. Dolan said typically it's gets flushed back into the septic system. Baroody took the mic saying we did do a site walk a year ago and the wetlands were flagged. I have not checked them since; they were blasting out that day. Mills said I thought we were just looking last year at three tennis courts. Baroody said we should walk it again. Lindquist described the location of the wildlife corridor on the map adjacent to this project. Lees said I've walked it two or three times; what's going to be there now? Lindquist discussed the village core, the location of the wetland corridors, and where the City owns, and where the guard shack used to be. Lindquist said the building is fairly small. Dolan said about 1500 sq.ft. Mills motioned to **table**. Rose seconded the motion. Motion carried unanimously at 8:25 pm.

119 Franklin Street

Regulated Activity # 810

Ridgewood Country Club

Assessor's Lot # G13029, RA-40 Zone.

Date of Receipt: 7/23/08

Dredging, stormwater treatment train.

First 65 Days: 9/26/08. Second 65 Days: 11/30/08. CCA, LLC. Lees introduced this at 8:26 pm. Rod Cameron, at the mic, said I'm here to present the proposed pond dredging project. The proposed work was actually presented, a similar project, before the EIC in 1993, and a copy of the approval and project impact is included in your package for your reference. The project has expanded, though. Now they are looking at making some significant improvements around the entire golf course, Cameron said. As part of that project they want to reconfigure that island, the tenth green, and move the existing bridge or causeway, and replace that with a wooden bridge, supported on piles or posts; reconfigure the shoreline of that island, moving tees and adding tees, and things of that nature. There are two other components to the project: improvements to the driving range, and improvement of a stormwater treatment pond by the 14th tee right on the Kohanza brook. The existing pond is catching the silt. To better manage the silt issue and improve the water quality, they want to dredge the pond, and also create two forebays, which Cameron explained. Then they can more easily remove silt in the future. An additional pond will add stormwater treatment for the water. I can go over the plans if you'd like and get into more detail. Dan Baroody came onto the site and met with me and other representatives. We did not play golf. We looked at all these different areas. Cameron next discussed details of the project: the shoreline; cutting 7500 sq.ft. of shoreline on both sides of the pond, keeping the filling under 5000 sq.ft.; the amount of dredging allowed under the DEP general permit. Lees asked is this a man-made pond? Give us some history. Any fish or wildlife? Cameron said there are fish in the brook, and what we are proposing is to improve the quality of that fish habitat. Baroody explained there's no need to ask for a species report on a man-made golf course. Baroody explained for Lees what the regulations

require; we can ask for the species report or not. It's ornamental and in a golf course, so I don't think it's a concern to have a biological species report. Lees asked a question about having more fish there, if the water is cleaned up. Baroody said it's difficult to say, and he explained what he saw on his site walk. The project is to clear it up before it gets to the pond. Lees asked about asking the applicant to restock the pond. Baroody said I think we can, and Lees and Baroody discussed finding out what's in the pond now and how the work could be done without having a big fish kill. Lees asked Cameron does that sound reasonable? Cameron said the fish that would be using this brook can't access it because they cannot come upstream, so the types of fish that we can have there is limited. Cameron said one of our guys brings his fishing pole to the golf course when he plays golf, and explained there are other opportunities for other wildlife to utilize the site. This is a large open space. It's one of the values of wetlands. (Tape 2, side A, installed at 8:39 pm). Lees and Cameron were in agreement. We've looked at the brook, and the treatment pond will allow us to have a deeper brook, providing better habitat. We want to get it done, so we can do the work in the fall. Mills suggested that we schedule a site walk using golf carts and have engineer there and show where each aspect of the project is located. Lees agreed about the site walk. It would probably be two different groups. Cameron said I'd be happy to set it up. I can get into more detail when we get on the site walk, and look forward to discussing it in more detail. Lees asked for no refreshments on the site walk. Mills made a motion to **table**. Rose seconded the motion. The motion carried unanimously at 8:44 pm. Lees asked about a screening report. Baroody said there's a report that dates back to '93, and then Jack Kozuchowski did not ask for a Public Hearing.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: N.A.

ADMINISTRATIVE STAFF ACTIONS: N.A.

ACCEPTANCE OF MINUTES: Motion to accept the minutes for the 7/9/08 meeting as presented by Rose. Second by Mills. Motion carried unanimously.

CORRESPONDENCE:

Wetlands application filed with the Town of Redding, 82 Laurel Lane, by Peak Engineers, LLC, for SF dwelling within 500 feet of Danbury boundary.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS:

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.) The Public Hearing is scheduled **8/27/08**. There were no comments. Secretary Lee said look at the bottom of your pile; see the conditions Robin Edwards sent to Neil Marcus. Dan said those are our standard conditions and those discussed at our Executive Session. It's just for you to review it, and if everyone is happy with it, and if you are not, let me know.

Restoration plan is due DEIC on 9/10/08 for 35 Miry Brook Road, Cease & Desist Order Batista, 4/3/08. Artel Engineering Group, LLC was retained, Baroody said.

Mills asked about the little problem on Payne Road. I want to resolve this thing.

Dan said about the site walks: we scheduled three or four tonight. We set them up by phone. Dan said we can e-mail them for these next ones. Mills said this golf course is so

extensive, and golf carts would be helpful. Dan said some Commissioners have busy work schedules. If you want to look at them, there is always the option to go out yourself.

ADJOURNMENT: Motion to adjourn by Mills. Second by Rose. Motion carried unanimously at 8:49 pm.

The next regular meeting of the DEIC is scheduled for **August 13, 2008**.