



CITY OF DANBURY

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Environmental Impact Commission

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MINUTES

August 13, 2008

Common Council Chambers - 7 pm

Chairman Bernard Gallo called the meeting to order at 7:04 pm. Present were Gallo, Bruce R. Lees, Jon Fagan, William Mills, Alt. Mark Massoud, Craig D. Westney. Absent were Jessica Soriano, Alt. Kurt Webber, Matthew Rose. Staff present were Daniel Baroody, RS, MPH, Senior Environmental Inspector, and EIC Secretary Patricia Lee.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Mills at Chairman Gallo's request. Gallo said we have a quorum (Lees late).

OLD BUSINESS:

262 Great Plain Road

Egret Properties, LLC

Regulated Activity # 795

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 by Baroody & Mills. FirstLight, & seepage analysis requested 5/14/08. Comments received 5/28/08 & 7/7/08 from CLA. Extension letter received 6/13/08. Letter & revisions from CCA received 6/25/08. Danzer comments received 7/9/08 & 8/13/08. Site visit 7/17. Responses, revisions received 7/22/08. Septic plan received 7/30/08 for State Health Dept. review. Gallo introduced this item and Matt Scully took the mic. I'd like to **withdraw** due to the time restraints, and he handed the withdrawal letter to Gallo. Scully asked that the Commission waive the new application fees. The Commissioners discussed the possibility of waiving the new application fees. Fagan asked when was the septic plan submitted; Scully sent the septic plan to the EIC 7/30/08. Fagan asked who requested the State Health Department? Scully said following comments from Steve Danzer, Ph.D., it was decided to submit the septic plan to the State. Fagan said then that's a different story, and he explained his logic: it was through no fault of the applicant that time has run out. Gallo said the original petition came in on April 9th.

Scully discussed that it is not a normal circumstance that a septic plan must be State approved prior to approval by the DEIC. Mills said we cannot waive the fees. Gallo said I'd like to accept his withdrawal letter, but refuse to waive the new fees. Mills reiterated this and made it a motion. Lees seconded the motion. Gallo we deny the request to waive the fees. The motion carried by four (Lees, Westney, Mills, Massoud) with Fagan in opposition. Scully said since the plans have not changed, must I submit all new plans? Secretary Lee said let me check the inventory I have, as I have given them out. Baroody said any new changes will require new plans. Baroody said we had to do our in-house review, and that took some time before we sent the plans to the State. Scully said thank you.

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 received 5/14/08. Existing drainage map received 5/20/08. Alternative received 6/11/08. Extension letter received 6/30/08. Comments from Traffic Engineer received 7/9/08. General plans received 7/14/08. Impact report 8/13/08 by D. Baroody. Baroody took the mic at 7:14 pm and said I submit my report, and we recommend a summary ruling; and we've worked this pretty hard, and Staff recommends that they get approval. Gallo asked are there any questions for Dan? Fagan made a motion to **approve** with 8 conditions of approval. Mills seconded the motion. The motion carried unanimously at 7:15 pm.

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. Site visit 7/31/08. Reports received re: no impact to wildlife or historic resources 8/1/08. Impact report 8/13/08 by D. Baroody. Gallo introduced this item at 7:16 pm. A few of us did an on-site already. Denis Blais took the mic stating that Chuck Thomas is here again with me. We did a site visit with Dan Baroody, and a few recommendations were then made. One of the changes was, due to the proximity of the Still River, we install some erosion controls to protect the River. They install it then back-fill it as they go. Blais said regarding the small stream that runs parallel and side casting of the trench spoil, we've added a notation to the plan to that effect. Blais asked are there any further questions? Gallo asked are there any further questions? Dan Baroody said I'd like to submit my project report. The applicants have worked with Staff. There will be a large earthen berm that will protect the River. Staff recommends approval. Lees made a motion to **approve** with 6 conditions of approval. Fagan seconded the motion. The motion carried unanimously at 7:20 pm.

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. Ralph Gallagher, PE. Chairman Gallo introduced this application, and Ralph Gallagher took the podium with the Miljovski's in the front row. There are no wetlands on the property. Lake Lakawanna is across the street. We've done soil testing, Gallagher said. Most of the properties around there are municipal sewer and water. So we have room to do a two-bedroom house. We've got plans for sedimentation and erosion controls while the site is under construction. Westney asked Gallagher to explain again about the availability for sewer and water. Gallagher explained about the easements some of the neighbors have obtained. Each lot is about the same size. Some of them over the years have gotten easements. The soil is good, Gallaher continued. There is room for a well. Gallagher stated the distance for a new lot versus an existing lot. Fagan asked Dan Baroody if he'd had a chance to review this. Baroody said I'd encourage a site walk. Mills said, through the Chair, I'd like to do a site walk too. Mills asked the applicant to stake the four corners of the dwelling before a site walk. Lees asked how does the pond drain, and where does it drain to. Gallagher replied down toward Madison and the Commissioners discussed is it piped or a brook. Gallagher said it's dammed. You can roll down the window for a site visit, Gallagher said. Massoud said there is no inlet per se. Gallagher said it percolates up. Lees asked will the septic area be staked too? Lees asked Mills what would he like staked. Mills asked Staff do you think a seepage analysis is necessary. Baroody said it would depend on the slope. Usually that's only required on a steep slope. Gallagher, for the record, said the slope is very flat; 10%. The back of the lot is probably 5%. Gallo said Mills said he'd like the four corners of the house staked. Fagan made a motion to **table**. Mills seconded the motion. The motion 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. Gallo introduced this item at 7:27 pm. Mark Kornhaas, PE, identified himself at the mic, and said our application is for the construction of a storage shed. The site is actually at 8 Casper Street; the south side of the site. Our shed is going right on the pavement. We are actually decreasing the impervious surface by 1750 sq. ft. As you know, the Still River runs along the west side of the property. There are two sheds existing. We are just adding another shed. Lees asked what type of materials are being stored. Kornhaas said some empty drums and the same stuff. Basically, the Health Department reviewed it as did the Fire Marshall's office before. Mills asked about the highlighting on the plans on the easel. Kornhaas explained the prefabricated steel shed. Their sheds are self-contained, climate controlled, really a good product. Westney asked for clarification about the sump. Kornhaas explained the sump below the storage, like you'd have around a hot water heater, to Westney; not pumped or drained. Massoud asked about the elevation differences between the shed and the River. Kornhaas said there's actually a large berm; it is basically

a levee. Kornhaas said not within the floodway, floodplain. Kornhaas and Massoud discussed the different storm events. Fagan suggested could this be sent to Administrative Approval? Baroody said I would not object to that. Fagan made a motion to **send #441R for Administrative Approval**; make sure that Dan gets a copy of the contents of the shed. Lees seconded the motion. The motion carried unanimously at 7:35 pm.

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. Site visit 8/11/08. Cut & fill plan received 8/12/08. Fagan recused himself. Gallo introduced this item. Erik Lindquist, PE, identified himself from Tighe and Bond. We flagged and staked the parcel as requested. We did the site walk. I can go over your site walk questions at this time, if you'd like. Lindquist explained the desire to show no fencing. Delineating a wild life corridor with a split rail fence is not a problem, or another form of demarcation. A cut and fill analysis was requested, and you should have that. There was a comment on blasting. Test pits will be done regardless, Lindquist said. Dan Baroody had a question on the sedimentation and erosion plans. Lindquist said I'd be more than happy to go over that with you. Katherine Throckmorton is here, a landscape architect from Environmental Land Solutions, LLC, and Glen Moran from WCI Communities, Inc. Mills and Lindquist discussed additional controls that may be added to the plans. Baroody suggested we table this to get time to review the sedimentation and erosion control plans. We have no jurisdiction on fencing around transformers; that is not up to us, Baroody said. Lees motion to **table**. Mills seconded the motion. The motion carried unanimously at 7:41 pm. Thank you, Gallo said.

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. Rod Cameron. Site visit 8/5/08. Fish study 8/13/08 pending. Gallo said let the record show that Jon Fagan has returned. Lees announced that he showed up late tonight. Gallo said no one is present for EIC #810. Baroody said they have not completed their fish study. We did do a site walk, as you know. As soon as they turn in their fish report, we will be able to finalize their review, Baroody said. Fagan asked was that a site walk or a site ride. Baroody replied I can't remember. This Commission reviewed this, I think, in 1996, and they did not have a Public Hearing for the dredging at that time. Gallo said the Country Club has been a good neighbor up there. Lees said I have not received any calls or e-mails. Fagan suggested that it is not necessary to have a Public Hearing. Lees motioned to **table**. Fagan seconded the motion. The motion carried unanimously.

NEW BUSINESS:

132-134 Padanaram Road

Regulated Activity # 811

John & Carolyn Otto

Lots# E06047,E06048,E06054, RA-80 Zone.

Date of Receipt: 8/13/08.

Residential two-lot subdivision.

First 65 Days: 10/17/08. Second 65 Days: 12/21/08. Benjamin V. Doto, III, PE. Chairman Gallo said, Mr. Baroody, do you have anything on that? Baroody replied I don't see an applicant here tonight. Lees made a motion to **table**. Mills seconded the motion. The motion carried unanimously.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: N.A.

ADMINISTRATIVE STAFF ACTIONS: N.A.

ACCEPTANCE OF MINUTES: 7/23/08 Meeting. Motion to accept the minutes as presented by Lees. Second by Mills. The motion carried unanimously.

CORRESPONDENCE: N.A.

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 received 3/9/07.) Public Hearing scheduled for next meeting **8/27/08**. Corporation Counsel requested revisions, which were received 8/11/08. Gallo asked who's going to be here for that. Massoud, Lees, Fagan and Westney said yes. Gallo said I will be on vacation. Fagan said he had a procedural question about # **723 RR**: I'm curious to know how the neighbors were notified. Secretary Lee explained to Fagan about the mailing envelopes provided by Neil Marcus' office, and the two legal notices in The News Times. Massoud asked do they want to close the Public Hearing and vote that night? Gallo said yes. Lees said I'll be the Chairman that night and he discussed with Gallo the issue of a one-night Public Hearing. Mills asked has the CLA offered an opinion yet? Secretary Lee said CLA just got the plans yesterday. Mills said I thought they were called in to make an opinion. Lee explained why the stipulation is incomplete due to the 7/08 revised plans. Massoud asked about voting or settling. Baroody said it is up to you. Gallo said people will be there who do not want anything built there at all. Baroody said Robin Edwards will be back Monday, and you should call her when she returns if you have questions. Lees had a question. (Tape flipped to side B). Massoud asked about the final stipulation and is it available to the Public? Baroody and Gallo explained the stipulation is incomplete. Fagan said that's what it's going to be based on. Baroody said, again, check with Corporation Counsel. Also, her Administrative Assistant is available, Robin Shepard. Secretary Lee said Shepard is off today; it's her birthday.

Restoration plan due DEIC on 9/10/08 for 35 Miry Brook Road, Cease & Desist Order Batista, 4/3/08.

ADJOURNMENT: Motion to adjourn by Lees. Second by Fagan. The motion carried unanimously at 7:56 pm.

The next regular meeting of the DEIC is scheduled for August 27, 2008.