



**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

ENVIRONMENTAL IMPACT COMMISSION  
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### **MINUTES**

**October 22, 2008**

**Common Council Chambers 7:00 PM**

Next regularly scheduled meeting date **November 12, 2008**.

Chairman Bernard Gallo called the meeting to order at 7:10 pm. Present were Chairman Gallo, Bruce R. Lees, Jon Fagan, Matthew Rose, and Alt. Mark Massoud (late). We have a quorum of four, Gallo announced, before Massoud arrived. The Pledge of Allegiance was led by Lees at Gallo's request.

Absent were William J. Mills, Craig D. Westney, Jessica Soriano, Alt. Kurt Webber.

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

#### **OLD BUSINESS:**

**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. R. Cameron. Site visit 8/5/08. Fish study 8/13, 8/27 & 9/10/08 pending. Dredging & stormwater improvement plans rec'd. 9/18/08. Extension letter rec'd. 10/1/08. Impact report 10/21/08 by Dan Baroody. Chairman Gallo introduced this item as Rod Cameron took the mic, identified himself, and said I think we have provided all the information that the Commission has asked for. Gallo said we're all set. Dan Baroody from the Health Department identified himself next, saying we submit the project impact report and comments. The impacted fishery will be restocked. Staff is recommending a summary ruling with 6 conditions of approval, Baroody said. Rose made a motion to **approve** the Ridgewood Country Club proposal at 119 Franklin Street with the six conditions of approval. Fagan seconded the motion. The motion carried unanimously at 7:12 pm.

**132-134 Padanaram Road**

**Regulated Activity # 811**

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**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. Site walk 9/18/08. Extension letter rec'd. 9/25/08. Revised plans rec'd. 10/7/08. Danzer report rec'd. 10/15/08, with soils report & response from engineer 10/20/08. Ben Doto, PE, said good evening and identified himself, stating he represents John and Carolyn Otto. This has been going on for a month or two. And I will highlight, Doto continued, some of the items we have provided to you. We shifted the house, the boulder locations; we delineated the permanent buffer. The question was could we do that on lot 2 also, and we've done that. We've shifted the house over. We've added the mitigation planting. Henry Moeller finished the soil report last week, and I'll go over that briefly. I will address Dr. Danzer's letter after that. Doto reviewed the two wetlands, A and B, that Moeller discussed in his report. Moeller used The Bulletin Nine Evaluation Of wetlands in Connecticut. A is the large Padanaram wetland. Wetland B is a shallow depression providing no flood control. Wetland A supports wetland vegetation. The watershed he is talking about is the Padanaram watershed, Doto said. The outline of them is poorly defined, ecologically, and Doto continued saying they are relatively flat; there's some fin fish habitat, not large ones; nutrient retention and sediment trapping for the runoff before reaching Padanaram Brook. The basin replacing it is large in size. The visual quality mirrors Moeller's comments. Doto discussed agriculture potential, forestry potential, recreation potential; it's small. At the end, Moeller talks about the wetlands we are creating at a greater ratio. Doto noted Danzer's letter dated 9/22/08, and for the record, we just received it, and we have done a lot of work on this project since then. Doto described what Danzer's asked for and how each has been addressed. Function, size, storage capacity, wetland vs. basin? Actually both, Doto said. He asked about the hydrologic regime, and I went over my response with Mr. Moeller, Danzer had a few additional recommendations. (Massoud arrived at 7:18 pm, Gallo announced). Doto described the stone boundary, minimal clearing, keeping activities to a minimum; very few trees will be taken. He asked that we explore a Conservation Easement over the wetlands. And we don't think that's really warranted, Doto said. We are subject to Planning and Health rules, and we don't think that a Conservation Easement is warranted. Mr. Otto is here tonight, Doto said. Fagan asked, through the Chair, Dr. Danzer states that he responds at your request, and I don't recall asking for Danzer's input. Gallo replied Dan and I talked about it; we requested it. Thank you, Ben, Gallo said. Dan Baroody took the mic and again identified himself. Baroody said Staff would ask that we table this; we will have the report at next meeting. Lees made a motion to **table** this. Rose seconded the motion. The motion carried unanimously at 7:25 pm.

**262 Great Plain Road**

**Regulated Activity # 795 E**

**Egret Properties, LLC**

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

Date of Receipt: 8/27/08.

New SF residence construction, well, septic.

First 65 Days: 10/31/08. Second 65 Days: 1/4/09. Wana Rest. CCA, LLC. FirstLight, & seepage analysis requested 5/14/08. Comments rec'd. 5/28/08 & 7/7/08 from Candlewood Lake Authority. Extension letter rec'd. 6/13/08. Letter & revisions from CCA rec'd. 6/25/08. Danzer comments rec'd. 7/9 & 8/13/08. Site visit 5/12 & 7/17. Responses, revisions rec'd.

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7/22/08. Septic plan rec'd. 7/30/08 for State Health Dept. review. Scully rec'd. State comments 8/27/08. State denial of septic plan rec'd. 9/2/08. Tabled 9/10 & 9/24 per CCA, LLC. Chairman Gallo introduced this application and Matthew Scully, PE, came forward and identified himself at the mic. In prior meetings, Scully said, a review had been requested by the Health Dept. and the State Dept. of Public Health, as the State sanitarian requested. We're still waiting for a response from the Connecticut State Drinking Water Division, Scully concluded. I have an extension letter which he handed to Secretary Lee. Fagan said to Scully thank you for coming and updating us. Lees made a motion to **table** this. Fagan seconded the motion, and the motion carried unanimously .

**2 Broad Street**

**Regulated Activity # 814**

**Antonio Ramos & Antonio Narciso**

Assessor's Lot # K12270, IL-40 Zone.

Date of Receipt: 9/24/08.

B. Doto, III, PE / A & A Ironworks.

First 65 Days: 11/28/08. Second 65 Days: 2/1/09. Commercial two-story building construction. Impact report by Dan Baroody 10/21/08. Ben Doto, PE, again took the microphone, saying I think Dan has a staff report. There was one thing on that staff report, Doto said, on the last page, for flagging and delineating the wetland boundaries; we don't have any wetlands on the property. I don't really think that is warranted. I didn't want to have to cross the street; it's condition number 2, Doto said. Dan Baroody said we can strike the whole condition 2. The applicant has worked with the Health Department, and Staff is recommending a summary approval with six conditions, taking out number 2 of the flagging of the wetlands. Fagan made a motion to **approve** the application with six conditions of approval, striking number 2. Rose seconded the motion, and the motion carried unanimously at 7:30 pm with no remarks or questions. Doto said thank you.

**115 Mill Plain Road**

**Regulated Activity # 815**

**Danbury 6 Associates, LLC**

Assessor's Lot # C14070, CA-80 Zone.

Date of Receipt: 9/24/08.

Trader Joe's Expansion/Danbury Green.

First 65 Days: 11/28/08. Second 65 Days: 2/1/09. Edward J. Frattaroli, Inc. Screen report by D. Baroody 10/20/08. Neil Marcus, Attorney at Law, took the mic and identified himself, saying he speaks on behalf of Danbury 6 Associates, LLC, and with me John Pugliese, PE, of Edward J. Frattaroli, Inc. This application does not involve any wetlands impacts. We are working on a paved parking lot, and Marcus explained the expansion of the store and the plan to reconfigure the parking. Chairman Gallo said to Marcus you know we have a report on this, right? Marcus replied yes; if you want more information, we'll give it to you. I want to ask you about the conditions that are recommended: condition number 2, "shall mark with permanent monuments". The yellow line exists and the fence, Marcus said. The blue line shows the dense growth; we'd like not to have to come into the wetlands here with another barrier that nobody would ever see. We will put a sign at intervals, Marcus said, which says wetlands lie behind this fence; do not disturb, and we'll get the language approved by the Health Department. That's our only thing. The bond is standard, Marcus said, and in reality we have a planting plan. Dan Baroody said that's for your grading permit with the permit division. Baroody then identified himself and said I submit my project

impact report: several basic comments that Baroody reviewed, and as the applicants described, it's a parking lot re-arrangement with an existing stormwater structure. Staff recommends a summary ruling with the modification to condition 2; and also on condition number 4: a fence or acceptable substitute, we'll work it out, Baroody said. Chairman Gallo asked what do you want to do, gentlemen? Fagan made a motion to **approve** with modifications to conditions 2 and 4. Rose seconded the motion. The motion carried unanimously at 7:35 pm. Marcus remarked we should have the World Series every night.

**7 Backus Avenue**

**Regulated Activity # 816**

**Danbury Mall, LLC/Douglas H. Morrow** Assessor's Lot # F17002, CG-20 Zone.

Date of Receipt: 9/24/08. Stantec Consulting Svcs. This was **withdrawn** 10/16/08, Chairman Gallo announced.

**41 East Pembroke Road**

**Regulated Activity # 817**

**Pavilion Holdings, LLC**

Assessor's Lot # H09134, RA-40 Zone.

Date of Receipt: 9/24/08.

Asmar Ahmed - proposed church parking.

First 65 Days: 11/28/08. Second 65 Days: 2/1/09. At the microphone, Rod Cameron again identified himself for CCA, LLC, in Brookfield, CT. We presented the project at the last meeting. I don't know if you've had an opportunity to examine the plans. I know there was a question about snow removal, and we indicated that snow would not be pushed off into the wetland area, Cameron said. There's planting proposed; boxwood lining the entire parking area, and posts to identify the spaces, preventing a snow plow from pushing the snow into the wetland. Chairman Gallo asked are there any questions? Baroody said I don't know if a site walk is in order, and possibly an assessment by Dr. Danzer be requested. I think we probably should do a site walk; that's my recommendation at this point, Baroody said. Are the wetlands flagged? Cameron said they were flagged; they may need to be reflagged. Lees asked why would you need Danzer's input? If we see something out there on the site walk, Baroody said, it's up to you. Lees made a motion to **table**. Fagan seconded the motion. The motion carried unanimously at 7:39 pm. Chairman Gallo concluded, thank you, the motion carries.

**NEW BUSINESS:**

**28 Tamarack Avenue**

**Regulated Activity # 821**

**Casali Construction, LLC**

Assessor's Lot # I11127, RA-8 Zone.

Date of Receipt: 10/22/08.

Single-family home construction.

First 65 Days: 12/26/08. Second 65 Days: 3/1/09. CCA, LLC. Matthew Scully, PE, again identified himself. It may go quicker, Scully said if I do these both at the same time, **#821** and **#822**. Scully gave a brief overview: this is on the west side of Tamarack, and the State owns property adjacent to it. Lot 30 is vacant. Lot 28's owner owns both lots. The

proposal is to construct two single-family houses on both lots, with one-car garages; use the existing driveway on Lot 28, which is actually located on Lot 30. There are no wetlands on the site, Scully said. Tamarack Brook is located behind the site, and the approximate review area goes across both houses. The City sewer extension has been approved. Water is existing, as is gas and electric, Scully continued. Again, it would be raised ranch houses, on grade. It gently slopes. We'd use standard silt fence during construction. With the market as it is, Scully said, we don't know if the two houses would be done at the same time. Chairman Gallo asked did you remove the existing house yet? Scully further described the procedures to be followed. Lees said I see the old house; and we have the house here. Can I just make some comments on the cuff? As a Commissioner, I'm supposed to protect that area. You're overbuilding in the area, Lees contended. You're subdividing a lot, going within the area of 100 feet from the wetland, that area that we are supposed to protect. A lot of times there have been big hardships. Scully said we are not subdividing; they are two lots. Lees asked him when was it subdivided? Scully said give me a minute; I may have to research that; I may have it. Lees said we are going against the regulations, ripping down one house, and putting up two houses. And you're right: it doesn't matter when the date was, Lees said. Scully said for financial purposes, although it's not a concern of yours; it's cheaper to rip down the one existing house. New construction is proposed on Lot 30. Part of the hardship on these lots is the front yard setback line, and here is the 100-foot regulated area, making them very tight lots to build on, and Scully got his scale out. We've got about 32 feet; on 30 we've got about nine feet. So they are small building envelopes on the lots to begin with. Lees said I want to do a site walk. Scully said the house is vacant and boarded up. Lees added I'd like to see the houses staked and the wetlands flagged. Scully said the wetlands are off the property. Lees said then show the corners of the lot itself. Fagan said it would helpful if you stake the foundations, and then stake the 100-foot line. Fagan said so the Zoning Board of Appeals has already given you variances on both lots? Scully replied yes. Secretary Lee explained that more and more applications go to ZBA first, before coming to the EIC, as ZBA is a less expensive process. Lees made a motion to **table** this. Fagan seconded the motion until 11/12/08. The motion carried unanimously. Gallo said the motion to table carries.

**30 Tamarack Avenue**

**Regulated Activity # 822**

**Casali Construction, LLC**

Assessor's Lot # I11126, RA-8 Zone.

Date of Receipt: 10/22/08.

Single-family home construction.

First 65 Days: 12/26/08. Second 65 Days: 3/1/09. CCA, LLC. (see above minutes)  
Motion to **table** by Rose. Motion seconded by Massoud, and the motion carried  
unanimously at 7:51 pm.

**APPLICATIONS FOR ADMINISTRATIVE APPROVAL:** N.A.

**ADMINISTRATIVE STAFF ACTIONS:** N.A.

**ACCEPTANCE OF MINUTES:** Motion to accept the minutes of the 9/24/08 meeting as

presented by Lees. Second by Rose. Motion carried unanimously.

**CORRESPONDENCE:** CACIWAC Summer 2008 Newsletter "The Habitat" (CT Association of Conservation & Inland Wetlands Commissions, Inc.)

Revised CT Gen'l. Statute ~1-225 requiring post all meeting minutes on City website within 7 days, effective 10/1/08.

Fagan said I have a question on the correspondence from Lori Kaback, the Town Clerk. The EIC subcommittee meets on Fridays. We have not had a meeting in several weeks. I think it means it would include the subcommittee meetings minutes, Fagan said. Chairman Gallo said that in the past subcommittees would not be subject to this. I was going to ask Corporation Counsel about this; also can we meet off-site. I have a conference room in my office, Gallo offered. Dan Baroody interjected you can't have a quorum. That's why I wanted to bring these things up, Fagan said. Chairman Gallo said we have to check with Corporation Counsel. Dan Baroody brought up the issue of the two-week EIC meeting cycle and the 7-day requirement, precluding the minutes approval by the Commissioners prior to their posting to the City website. Massoud said the simplest solution is to mark the minutes DRAFT, and then post them. Secretary Lee asked will Chairman Gallo please ask Corporation Counsel? Massoud said Pat takes great minutes and writes volumes. Chairman Gallo reiterated I'll just check with Corporation Counsel about all this. Dan Baroody concluded, enough said. Fagan said that's fine.

**EIC ADMINISTRATION & FUTURE AGENDA ITEMS:** N.A.

**ADJOURNMENT:** Motion to adjourn by Rose. Second by Fagan. Motion carried unanimously at 7:56 pm. Thank you, gentlemen, Gallo said.

The next regular meeting of the DEIC is scheduled for **November 12, 2008**. The meeting scheduled for November 26, 2008, is cancelled, Chairman Gallo announced.