



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

DRAFT MINUTES

January 14, 2009 – 7 pm

Common Council Chambers

Next regularly scheduled meeting: January 28, 2009.

Acting Chairman Bruce R. Lees called the meeting to order at 7:10 pm. Present were Lees, Jon Fagan, Matthew Rose, William J. Mills, Alt. Derek Roy, Mark Massoud. Absent were Bernard Gallo, Craig D. Westney.

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

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

OLD BUSINESS:

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. CCA, LLC. Site walk 11/5/08. Extension letter rec'd. 12/10/08. Lees introduced this issue at 7:11 pm. Rod Cameron came forward and identified himself from CCA, LLC. Some outstanding issues, things that needed to be done, Cameron discussed, such as paving versus gravel parking area, some fence requested by the commissioners, a chain link fence around the parking area is now proposed. Cameron distributed the 11/3/08 and 11/10/08 revised Site Plan, S1 this evening. I talked with Dan Baroody yesterday. Talked with our client today and he approved us going ahead with this revised design. Cameron discussed some filling around a well: our client had no knowledge of the filling; it must have been done prior to their taking over the property. Commissioner Fagan has now returned and joined us, Lees said. Cameron discussed the vegetation shown on the landscape plan and the plantings shown therein, appropriate for this location.

Mills said one of my concerns was snow removal. I see you have a driveway around and proposed parking in back, and again I ask, where is the snow going to go? Cameron explained, but Mills did not recall seeing that plan. The other question Mills asked is I am anxious to see the staff report, and the temporary soil storage, and include that in a staff

report. And lastly, do you have any drainage proposed for the parking area. Cameron described the level spreader on the west side. Mills asked again about the depth of the proposed parking area in the back. Cameron said we cannot put that system in without the appropriate depth. The topsoil will be used in the plantings. There isn't that much topsoil there as it is, Cameron said. Mills asked again about the filling around the wells, and Cameron reiterated his response.

Dan Baroody took the mic and I did do a review with our Sanitarian and we came up with some concerns, whether the system is designed for wheel loading; would the system meet that criteria? And the paved area would require a stormwater drainage system with treatment, and also to protect the septic sand fill mound, there should be some sort of barrier during and after construction. Finally, the Health department needs to see the septic design by a professional engineer to see if it will fit for the proposed use. Lees discussed the time running out. Baroody said we have to vote on this at the next meeting 1/28/09, and I don't like getting information from an applicant the night of the meeting.

Cameron said we are aware of the time line. There is a septic system design with all the perc information that was reviewed by Peter Dunn. Dan Baroody said, for the record, these *are* Pete Dunn's comments and he has not approved the septic plan, the size, the gallons per day. Cameron said, as I said, the design was done under Rod Posthauer, but again we will get it to you next week. Lees asked Secretary Lee to please e-mail all new information coming in next week so the Commissioners can come in and see it, as we must vote at next meeting. We can come to the City and pick them up. Asrar Ahmed stood up in the audience stating I am the president of the church. These are the members, a total of 14 to 16 families; that's it. We will comply with everything you ask us to do. Our center has been closed for over a year now. You have a job to do. We have our own budget, and so far we have incurred expenses, expenses, expenses. There are a lot of churches in Danbury. This has really gone too long. We have gone to zoning, we have gone to everything. I have spoken to Mr. Boughton. We will keep it clean. We will be a good neighbor. Right now the place is a dump. We are paying taxes, Ahmed continued. It's a whole nightmare. We want to comply. We beg you, this is the community; you are asking for 30 parking, 40 parking. Lees interjected, again, we are the wetlands commission. We appreciate your patience; there are a lot of hoops you must go through. Asrar Ahmed described the minimal time of uses of the proposed church. Roy said I appreciate your patience, and this is part of the process; we don't make the rules. Thank you for your patience. Rest assured, we will do what we have to. Asrar Ahmed complained again, saying we are all law abiding citizens. Fagan stated, Mr. Chairman, we will have a decision at the next meeting. Mills made a motion to **table** this. Fagan seconded the motion. The motion carried unanimously at 7:30 pm.

85 Beaver Brook Road

Regulated Activity # 824

CTX Concrete Foundations, LLC

Assessor's Lot # K11146, IG-80 Zone.

Date of Receipt: 12/10/08.

New equip.storage building/ G.Galhardo

First 65 Days: 2/13/09. Second 65 Days: 4/19/09. Artel Engineering Group, LLC.

Maintenance, location & floodplain info. Rec'd. 1/13/09. Lees introduced this item as Mark Kornhaas set up the easel and identified himself. Time flies, Kornhaas said. I have to apologize; the surveyor has been trying to get out there, but with the holidays and the weather, he has not, but I hear he is going out tomorrow morning. Kornhaas said I'm just going to give the basics, and he described what's there; make one building, reorganize it, clean it up, get it away from the river. You had asked for some information and Bill Mills as well. I have submitted those things 1/13/09; we tried to explain where the building will be located, and if you can see it, it shows the existing buildings; basically the building is about 25 feet from the edge of the river; the pavement as close as 12 feet. We are putting the parking in front of the building and providing 35 to 40 feet to the river. I highlighted the floodplain and floodway. So in your handouts, you'll see that the purple line is the 100 year floodplain and the blue line is the floodway. Mills asked Kornhaas to move the building up and put the parking in the back. Kornhaas reviewed what Mills is asking: asking for the parking and that type of activity close to the river. You can do this, but are you sure you want to do something like this, Kornhaas asked Mills. Kornhaas said maybe I'm wrong? Lees asked how high is the terrain? Kornhaas said we've done the calculations that show nothing bad will happen if we put the building here. Lees said we have not yet done a site walk on this. Mills reiterated I would feel more comfortable if you move the building up and put the parking in the back. Lees said it is what it is? Mills said I'm the only Commissioner asking for this alternative. Fagan interjected I suppose we could ask the applicant to come up with an alternative. In what way does that improve the quality of the application? Mills replied I'm thinking for cement forms being stored in that building; where is the detritus concrete going to go. It does concern me, and the regulation is for a 200-foot setback. Massoud asked about maintenance. Kornhaas explained what the use will be; right now they are right up to the river. They don't clean their forms. I came up with a maintenance plan for this. I could give you a little more detail. They are out on the job all the time. You've seen the vehicles that pump concrete; they are dispatched to the job site, and the concrete forms are cleaned there. Roy said I'd prefer to keep the parking away from the river itself. Kornhaas explained his agreement: if we had an event, a storm could carry away a vehicle, but it could not carry away that building. Massoud asked is there going to be outside storage, vehicles, forms? Kornhaas answered no; no heavy equipment. The forms will be in the building. Massoud said then the only parking there will be for the employees. Could you give us the spec on this building then, being in a floodplain? Kornhaas described what it could withstand. Fagan suggested we do a site walk, and the applicant has been asked to come up with an alternative. Fagan made a motion to **table** this. Mills seconded the motion. The motion carried unanimously at 7:43 pm. Lees said we want to definitely have a site walk before the next meeting.

44 Payne Road

Regulated Activity # 825

Nejame Development, LLC

Assessor's Lot # N12004, IG-80 Zone.

Date of Receipt: 12/10/08

Building addition, incl.parking, drainage.

First 65 Days: 2/13/09. Second 65 Days: 4/19/09. R.J. Gallagher, Jr., PE. Table to 1/28/09 per request of W. Mazzucco, Attorney. Lees: I know the applicant asked us to table this. Mills: I'd like to schedule a site walk on this. I believe the building is staked. No staff comments. Fagan: motion to **table**. Mills: seconded the motion. The motion carried unanimously.

26 Waterview Drive

Regulated Activity # 826

Russell Neumann

Assessor's Lot # 107016, RA-20 Zone.

Date of Receipt: 12/10/08.

Garage & SF residence additions, drainage.

First 65 Days: 2/13/09. Second 65 Days: 4/19/09. F.G. Fowler, PE, LS.
Continued 12/10 per Neumann's request. Baroody said we have not heard from the applicant. I will contact Fowler and see if I can get a meeting. No one is here tonight. Fagan made a motion to **table**. Mills seconded the motion. The motion carried unanimously at 7:45 pm.

77-83 Mill Plain Road

Regulated Activity # 827

Shurgard Storage Centers, LLC

Assessor's Lot # D14032, CA-80 Zone.

Date of Receipt: 12/10/08.

Stabilization of site, self-storage facility.

First 65 Days: 2/13/09. Second 65 Days: 4/19/09. 5.541 acres. Tighe & Bond. Riprap Limits Plan rec'd. 1/5/09. Lees introduced this application as Joe Canas from Tighe and Bond set up the easel and plans. Canas identified himself, professional engineer in State of CT, representing Shurgard Storage Centers, LLC. Canas ran down the vicinity description. This site was originally approved by this Commission in 2003. The contractor filed for bankruptcy, and numerous problems with the owner followed: a Notice of Violation was issued. We are here to address the Notice of Violation and some other items that have occurred; the breach of the swale, that has happened as the slope failed. We plan to stabilize the slope with a variable riprap buttress in the primary area of failure, and some other spots, and we plan on using the same detail for that. Two general comments for the Commission that you requested: the catch basins, and you also asked us to provide a section of the slope. He described what the two sections show. In cases where there is fill, it will be packed in layers, and riprap placed on top. Baroody suggested a middle drain. We plan to put in an underdrain to intercept the underground water, and we believe Baroody's suggestion certainly does have merit. Canas described using this especially on the larger slopes. I think a site walk is a great idea. The building foundations are already in place, so there's no need to stake corners. Mills said to Canas in the last few days, you've had more slope failures; it's gone way back, and without doing a site walk, I have no idea how far back that is. It's a mess. So I would like to do a site walk and see, on site, how you will deal with this, Mills continued. And will this interfere with the Algonquin gas line going through? Canas responded yes, the gas main cuts through the northwestern corner of the property. You can't do any grading within their easement area. Massoud asked what's the stormwater management plan for the site? Canas explained we do have a maintenance plan within the application, and we can make that a stand-alone document if you like. Canas then explained the water treatment train, the detention pond designed in 2003, before the 2004 manual came out, the culvert beneath Mill Plain Road, and a riprap pad. Massoud asked so has the detention basin been upgraded for the 2004 manual? Canas described the proposed plantings in and around the basin. Massoud said it's still to the 2003 design; is

what I'm hearing? Canas said it's important, for the overall site, and we do meet the 80% total solids removal for the DEP. Massoud asked to have the basin updated to meet the 2004 standards. Canas said okay; I could take a look at that. Massoud said the plantings are a good idea, The Vortech unit's a good idea, but I think it's appropriate, with a large amount of impervious surface. Tape A flipped to side 2. Fagan made a motion to **table**. Roy seconded the motion. The motion carried unanimously at 7:57 pm.

NEW BUSINESS:

22 Shelter Rock Road

Regulated Activity # 828

His Vineyard Christian Fellowship

Assessor's Lot # L15006, IL-40 Zone.

Date of Receipt: 1/14/09.

Construction of church with parking.

First 65 Days: 3/20/09. Second 65 Days: 5/24/09. B. Doto, PE. (see ZBA **08-20** also). Lees introduced EIC #**828** as Benjamin Doto, PE, set up his plans on the easel. Another church, Doto said, and he identified himself as representing the His Vineyard Church. This is 22 Shelter Rock Lane, part of the old Shelter Rock Business Center. He showed what was approved previously for the Shelter Rock Business Center and described the scope of that project and its revisions. As they reduced the scale of their project, this lot was cut off. Doto described the neighboring businesses; you can see the new sidewalk there. I know not all of you were here for that approval a few years ago. He showed the vicinity in response to Mark Massoud's request; the neighboring projects, Birchwood, Tobin's. This project was in the newspaper today; Doto explained the processes the applicant went through with the ZBA. They have scaled down the project. It's a four acre site. Doto described the seating, the ability to expand the parking, the driveway on left side, a covered entrance for drop offs, and the rear portion can be technically phase II parking if it's needed down the road. Doto explained what the church may one day want to do. It has City water, but there is no legal sewer out here. The septic system will be a pump up system. We have ample room, Canas said, and all the good soils are in there on half of the site. The system would be under that phase II parking area. The wetlands on the site are pretty significant in the front, in dark green, and Doto explained the wetlands that exist and function now. It's a relatively dry wetland. It does drain off into the storm sewer system here. We are proposing to disturb about 3300 sq. ft. of wetlands. We tried to minimize as best we could the crossing of the driveway into the site, and Doto explained that this does not create any drainage problems. We come in, go down slowly, have some low spots, back to grade here, and all is designed to minimize grading. I'll try to be brief today, but we do stay with the existing grades, Canas said. As for mitigation, we will have water quality feature, a Vortech unit; we're trying to mimic the existing drainage patterns, and he described the water train and trying to balance the existing flows as best we can. Doto discussed the driveway width for the crossing, the small retaining wall, the guardrail, to minimize direct impacts to the wetlands as best we could. Doto summarized the project and discussed the alternatives of how we could cross the wetland. He described the reduced size of the church and the settlement agreement with the ZBA. Alternative **A** did not give us room to put in a detention basin and had a greater wetland impact. Alternative **B** is sort of a mirror of that; this would have required some sort of culvert crossing; doable, but not ideal, so we went back to the proposed site plan (rev. 12/15/08, drawing CO1). We can keep the activities away from the wetlands, and still keep the aesthetics of the wetlands. I'm probably going on too long. It's a new application, a church use in an

industrial zone, Canas said. Lees said you know about the labeling; that's my favorite; you should know this by now. There is a wetland loss, so I want to hear about the mitigation, Lees said. Doto said it's 2.7 to one when you do the math, and we will correct that on future revisions. Doto described the mitigation areas, and we hired a landscape architect, Helen Hines, to do planting for the site, shrubbery, etc. We can do the planting plan for the basin, drawn up in detail. Lees asked is the site well labeled now? Doto replied no; there's nothing now. Lees asked please have something staked by our February meeting. The Moody's have installed this parking lot already; it's very easy to see. Doto said what he thinks he should stake, and the well-delineated rear property line. I don't know if the flags are still up; would you like to see that? Mills replied just this side. What's the closest point of the church to the wetlands? Doto replied about 30 feet and about 25 feet here. Mills had a question about any drainage from the HeliCoil parking lot, which Doto addressed, discussing HeliCoil's embankment and water flow, the basins, the street drainage, the catch basins, and it dumps right into this pond, not into our wetlands. There is an 18-inch storm pipe from HeliCoil, and Doto further explained the reasons. Lees asked have them flagged after the January 28th meeting. The sooner the better; please just let Pat know. Fagan said he had some very quick comments: that you brought in alternate plans, that's huge; I appreciate that, and that you don't minimize your impact on the wetland. The other point is what could go in a light industrial. Doto said, thank you, Jon; it drives my clients crazy, the alternatives. In the light industrial zone we are finding self-storage, small contractors, earth work, small manufacturing, warehouse, outside storage; people need to park their construction equipment outside. This is going to be a very clean site, and he described the days the church will operate; they've been looking for land in Danbury, and Doto discussed where churches are usually permitted in Danbury. Churches are very hard to situate in steep topography.

Mills made a motion to **table**. Rose seconded the motion. The motion carried unanimously at 8:25 pm. Ben Doto said we'll get the staking done.

46 Maple Avenue

Regulated Activity # 829

Cruz Matos (E.M. Auto Repair, LLC)

Assessor's Lot # 113015, IL-40 Zone.

Date of Receipt: 1/14/09.

Auto repair shop building.

First 65 Days: 3/20/09. Second 65 Days: 5/24/09. Acting Chair Lees introduced this new item at 8:26 pm, calling Matos a very patient applicant. Matos said we have to knock down the building; no changes to the footprint, and we'll put a nice looking building there. The reason I'm here, Cruz Matos said, is Zoning told me I'm too close to the river. But I explained to them, we have a detention wall here, and it's like 3 feet tall. I have no access at all to the river. Baroody said Mr. Matos has met with staff. Baroody identified himself. His business burned down, and he's not really going any further out with his building footprint, and I would not have a problem taking this on as an Administrative Approval. Jon Fagan said I 'm comfortable with that. Fagan made a motion to **move this to Administrative Approval**. Matt Rose seconded the motion. The motion carried unanimously at 8:29 pm. So moved, Lees said.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: N.A.

ADMINISTRATIVE STAFF ACTIONS: Lees read the following Administrative Approval. Baroody said, in answer to Mills' question, we did receive a planting plan. Mills replied okay; thank you.

2 National Place

Regulated Activity # 150 R

PM Danbury, LLC (Paul Mitchell)

Assessor Lot # I14267, C-CBD Zone.

Date of Receipt: 12/10/08.
Admin. Approval by D. Baroody 12/23/08.

Enclose portion drive-through canopy.

CORRESPONDENCE: **CACIWAC** Fall 2008 Newsletter (Connecticut Association of Conservation & Inland Wetlands Commissions).

Aquatic Pesticide Permit Applications from Aquatic Control Technology, Inc., to treat Boehringer Ingleheim ponds and Ridgefield Office Center ponds for algae & weeds in May, June, July.

Lees read the correspondence.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS: N.A.

ACCEPTANCE OF MINUTES: 12/10/08 Meeting: Motion to approve minutes as presented by Mills. Second by Matt Rose. Motion carried unanimously.

ADJOURNMENT: Motion to adjourn by Rose. Second by Fagan. Motion carried unanimously at 8:31 pm.

The next regular EIC meeting will be held on **January 28, 2009**, at 7 pm.

Respectfully submitted,

Patricia Lee, Secretary

This is a DRAFT only, not yet formally adopted and approved by the Commission.