

CITY OF DANBURY
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DANBURY, CONNECTICUT 06810

ENVIRONMENTAL IMPACT COMMISSION
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DRAFT MINUTES

March 11, 2009
Common Council Chambers 7:00 PM

Next regularly scheduled meeting date March 25, 2009.

The meeting was called to order by Chairman Bernard Gallo at 7:05 pm. Present were Gallo, Bruce R. Lees, Jon K. Fagan, William Mills, Craig D. Westney, and Alternate Derek Roy. Absent were Matthew Rose and Mark Massoud.

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

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Lees at Chairman Gallo's request. Gallo asked for a roll call, saying we have a quorum.

OLD BUSINESS:

44 Payne Road

Regulated Activity # 825

Nejame Development, LLC Assessor's Lots N12003,N12004,N12005, 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. Ralph J. Gallagher, Jr., PE. Site walk scheduled 2/18/09. Revised plans showing forebay & extension letter received 2/25/09. Notified Bethel 2/24/09. Input from Town of Bethel received 3/11/09. Chairman Gallo introduced this issue, and Secretary Lee explained to him that Gallagher said on the phone today he was not coming if a screening report was not yet done. Dan Baroody took the mic and discussed the letter from the Town of Bethel, Beth Cavagna. Baroody suggested a meeting be planned with himself, the applicant and the Town of Bethel Land Use Coordinator. Mills made a motion to **table**. Fagan seconded. The motion carried unanimously.

22 Shelter Rock Lane

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. Benjamin V. Doto, III, PE. Soil report received 1/20/09. Staking done 1/26/09. Danzer report received 1/28/09. Site visit 2/24/09. Moeller & Danzer to meet on site after rains. Ben Doto took the

mic at 7:08 pm. Due to the weather, really nothing has been done since the last meeting. Doto gave a letter of extension to Secretary Lee. Doto discussed the two piles on site, saying that has been done. Lees made a motion to **table**. Fagan seconded, and the motion carried unanimously at 7:10 pm.

49-51 Backus Avenue

Regulated Activity # 831

4244, LLC

Assessor's Lots #E18005, E18006, IL-40 Zone.

Date of Receipt: 1/28/09.

Prof. office building, parking, driveway, utilities.

First 65 Days: 4/3/09. Second 65 Days: 6/7/09. Douglas DiVesta, PE. Site is flagged & staked 3/3/09. Alternative plans received 3/5/09. Site visit 3/11/09. Gallo introduced this item and Jon Fagan recused himself. Doug DiVesta came forward with the easel and identified himself. The City easel is broken. DiVesta used Glen Martin's easel. DiVesta said I am here representing the applicant. We had a site walk today, and I'll talk about that in a minute. We were requested to bring in the alternatives, and they are in your packets. Regarding option number 1, out of three, DiVesta described the two-story building, the footprint, the access, the central driveway, a few less parking spaces, a sidewalk, curbing, additional sidewalks on northern side of building, and 39 parking spaces. Option number 2 has a little larger building placed on the rear portion of the site; we have about 36 parking spaces here and here, and the green line is the wetlands. We are filling a significant portion of the wetlands, so this option requires a lot more disturbance of the wetlands. Option number 3, DiVesta continued, was to provide a much larger building with two stories, 48 or 49 parking spaces; but again we are filling. This is a cantilevered building, and the plan required filling of a wetland along the driveways; it got really close to wetlands; probably a lot more disturbance, and a lot more filling. This third option was not chosen with its more disturbance, more parking, and larger building. So we modified option number one; that's the plan that we are looking for approval on tonight. SP-3 is the site plan we are requesting this Commission review. We had a site walk today with two commissioners and Dan Baroody, and DiVesta talked about the fallen tree, some pillars, some debris from years past, and he discussed the culvert under Backus Avenue, which is filled with debris and sediment. Removing that detritus was discussed. Looking at how this would be done I would put a plunge pool in there, DiVesta said, and try to keep some of that water in that area there, and maybe more of a plunge pool also on this side, and dissipater. So that's what we are looking to do for the culverts under Backus Avenue. Any questions from the Commission? Chairman Gallo asked are there any questions? Lees asked DiVesta about the intended use of the building. The reply was professional offices; two stories. We have submitted to Paul Estefan, the airport administrator, and we have had no response so far, DiVesta said, but I believe we are under, well, underneath the required elevations. DiVesta continued the option number one is similar to the plan we previously discussed, and he explained what had been tweaked. We came up with site plan SP-3 that's before you tonight. Lees said I see quite a few parking spaces. Doug DiVesta explained that is due to the zoning regulations; one space for every 300 sq.ft. of useable gross floor area. Lees said I'm seeing a larger building put on the same piece of land. I was looking for alternatives that were more different: a smaller building, less parking, less disturbance. Doug DiVesta said if we did that, you would still need 24 to 25 spaces, and you're still going to need more parking. Lees asked with a smaller building and less parking you would have less wetland disturbance? Doug DiVesta replied yes and no. Lees said less parking

spaces means less impervious surface. I'm looking for a proposal for a smaller building with fewer parking spaces. These are not alternatives for us. You're trying to fit as much as you possibly can on this lot, Lees said. You are almost on top of these wetlands. I'm not satisfied with any of these alternatives. Doug DiVesta said the whole site, really, is regulated. I don't know if you've been to the site, Bruce. The wetlands really have been mucked up. What we propose to do with the site will really enhance them, and add wetlands to them; we're improving it, DiVesta said. Lees said you can't call a detention area a wetland. Doug DiVesta replied sure you can. Lees said I don't understand that logic; you're creating them as wetlands. Don't call them detention. Doug DiVesta and Lees discussed the terminology. Lees said I want to understand it better. Doug DiVesta explained how they intend to control the flows on the site here. Westney said I want to express Lees' concerns also; the water challenges here. One question, Westney said do you have a square footage breakdown? Doug DiVesta said I do not. Westney asked can we get that? Secondly, the piping details, can we get more on that? The 12-inch plastic pipe that connects the two wetlands; it is existing? Doug DiVesta explained there is an existing 12-inch pipe. We're proposing to come in and replace that pipe with twin 24-inch pipes; I'm just being conservative with my design. Westney asked, so as you described, are you considering over-draining that area; what will you do to maintain the upland consistency? Doug DiVesta said they are at the same elevation, so we are not lowering it; we are raising this area a little. Westney asked what caused you to increase the flow then? DiVesta said I've done a hydraulic study all the way up to the west there, and the calculations proved that it would work, and be conservative. Westney asked about the neighboring property. Doug DiVesta said my client has agreed to come in on the easterly side and riprap that area, like a plunge pool; it's the same elevation as the wetland area, and allows a depressed area that can be cleaned out. Doug DiVesta discussed the sand from the road getting in there now. There's an 18-inch RCP in there. Chairman Gallo asked anyone else have questions? Thank you. Dan, do you want to say anything? Baroody said staff requests that we table it. Lees said I have a question for Dan Baroody: is there any other example of something similar that's been done? In 20 years on this board, I'm thinking out loud here; we are using every useable piece of land, and what we're not building on, we're turning into detention area. Dan Baroody at the mic said you really should address those questions to the applicant. We can sit down with the applicant, and check with the DEP about the mitigation; you can't really get double duty out of a detention area. But we can go over that, Baroody said, and be sure that they meet the stormwater management requirements. Lees, Chairman Gallo and Baroody discussed the 25-year storm in the Danbury engineering regulations. But with other projects, we've gotten it for a 50-year storm. Lees said it's a very sensitive and low-lying area. Doug DiVesta said I'd like to answer some of those questions, if I may. It's for the 25-year storm based on the City of Danbury regulations. You may be used to seeing typical plans, but I believe that the industry is going now toward bringing in smaller detention basins, rather than piping. I'm trying to allow the water to sheet flow off, which DiVesta described: the water train, more nutrient uptake; it's called LID (low impact development). Otherwise, this whole site would have to be raised way up. Doug DiVesta reiterated his plan for the water train and what we are trying to accomplish here; more innovative; trying to mimic the natural drainage patterns here and the conveyance system as well. I think you are going to see that this is the way industry is going to turn. It's all over the web, L.I.D. Google that. There are all kinds of stuff out there. The mitigation then is 500 sq.ft. of wetlands being filled. And Dan's going to look into that for us. Mills made a motion to **table EIC 831**. Westney seconded, and the motion carried unanimously at 7:40 pm.

25 Plumtrees Road

Regulated Activity # 833

Plumpar, LLC

Assessor's Lot # M12014, IG-80 Zone.

Date of Receipt: 2/25/09.

Office/warehouse building, parking, drainage.

First 65 Days: 5/1/09. Second 65 Days: 7/5/09. Benjamin Doto, PE. 5.5 acres±. Site visit proposed. Gallo introduced this application, and Jon Fagan came back into the chambers. Ben Doto reintroduced himself. This project was introduced at the last EIC meeting, and you asked that the limits of the retaining walls be staked as well as the building corners. The staking was completed yesterday so we can do a site visit. This detention basin is there; you can't miss it, and I'd like to be there for the walk, Doto said. This is a construction yard, and I'll be happy to attend. Mills said I did not know that you had completed the staking. Doto said it's all done. It's a construction storage site now. Lee made a motion to **table** this. Roy seconded the motion. The motion carried unanimously at 7:46 pm.

NEW BUSINESS:

36 West Wooster Street

Regulated Activity # 834

To Design, LLC / Phil Barlow

Assessor's Lot # I15064, RH-3 Zone.

Date of Receipt: 3/11/09.

Wooster Manor parking area enhancements.

First 65 Days: 5/15/09. Second 65 Days: 7/19/09. Elderly housing complex. Gallo introduced this new application as Glen Martin turned his easel so all could see. I'm a landscape architect with To Design, LLC, in New Britain. This is an existing elderly housing complex, and Martin described the layout, the driveway, the parking area; not well designed. This is our proposed plan here, with new parking in the front in this area here; it will improve the circulation, moving up the pavement, reducing the impervious surface there, and adding 20 spaces in the rear. There is a need for more parking for the residents and the employees. We plan on reshaping the conservation areas as required by zoning. Martin next discussed the drainage area, the path of the flow, the improvements, a treatment unit, some underground storage chambers to retain the water, which then will flow out, ending at West Wooster Street, improving peak flow to the 100-year storm area. Martin continued describing how the proposal will improve the flow and water treatment. Martin discussed the existing conditions with the sheet flow, now capturing a lot of that. We also show the 100-foot upland review area by Blind Brook. Martin asked are there any questions? Jon Fagan said the 100-foot upland review area would be to the edge of the wetlands, not to Blind Brook. Were the wetlands staked, flagged? Martin responded no, they were not. This was taken from town mapping. Chairman Gallo said are there any other questions? Westney said I just flew in from DC, so are there any wetlands on the property? Martin said I don't believe there are any wetlands on the property. Blind Brook is not on the property? Roy said no, the other line. Martin said that's a pond, part of the Blind Brook area. Westney said okay, that sharp turn was throwing me off. Fagan said I'm familiar with this area: it's worth a review in the field, in my opinion. It warrants review by the Commission or at least by Dan Baroody, and he explained his concern. Chairman Gallo said we should do a site walk; it's a mess down there. Dan Baroody said I want to tell the

applicant that you have to do a wetland delineation or your application is incomplete. It should be flagged. Lees made a motion to **table**. Fagan seconded the motion. The motion carried unanimously at 7:50 pm.

25 Beaver Street

Regulated Activity # 835

To Design, LLC / Phil Barlow Assessor's Lot # H14330, RH-3 Zone.

Date of Receipt: 3/11/09. Putnam Towers parking area enhancements.

First 65 Days: 5/15/09. Second 65 Days: 7/19/09. Elderly housing complex. Glen Martin from To Design again took the microphone. Again, this is an existing elderly parking complex on the corner of Spring Street and Beaver Street. The plan shows the Still River across the street; this is within the 200 ft. upland review area. This is the Still River. Our proposed parking lot is shown on this plan, to improve and increase the parking, and the efficiency of the parking lot. We propose a new curb cut; the cars can park more efficiently, and new tree plantings, taking away that large turn-around that Chairman Gallo asked about. (Tape 1 flipped to side B). Glen Martin discussed the flow; we're not really disturbing anything; just reorganizing that parking area. Lees said if you are replacing that drainage basin, maybe some type of filtration unit could be added; it's probably 20 years old. Martin said I'm sure we can do that. Baroody said this we could do as an Administrative Approval as there are no wetlands on the property and no discharge to the wetlands. Mills said he had a question through the Chair, can there be any kind of maintenance agreement, for spring and fall removal? Does staff feel that it's necessary? Baroody said we'll have to check with the Housing Authority to see what exists. Fagan made a motion to move this to Administrative Approval with the recommendations from Lees and Mills. Lees seconded the motion, and it carried unanimously at 7:57 pm. The motion carries, Gallo said.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: N.A.

ADMINISTRATIVE STAFF ACTIONS:

20 Hawley Road, Regulated Activity # **832**, Deborah DiMarcantonio (J08153), RA-20 Zone.

Rt.#37 & Stacey Road, Regulated Activity # **751R**, Acropolis Venture, LLC (G08033,G08102), RA-20 Zone.

22 Shelter Rock Lane, Regulated Activity # **713RR**, Shelter Rock Business Center,LLC (L15005, L15006), IL-40 Zone.

131 Westville Avenue, Regulated Activity # **830**, Alexander V. Suter (G14109), R-3 Zone.

Gallo asked are there any questions on the Administrative Staff Actions? Mills replied, Ahhhhhh, No. Fagan said I did have one concern about the article in the paper about the spill into Lake Kenosia. Dan Baroody said it was over the weekend. Our department was contacted by the fire department, the assistant chief, and they

notified Scott LeRoy, and they did not know the cause of it or the volume. Now it's a DEP case, Baroody concluded.

CORRESPONDENCE:

Chairman Gallo read the two items of correspondence:
Aquatic Pesticide Permit Application from Connecticut Pond Services to treat Lake Wackawana, 17 Allen Road.
Aquatic Pesticide Permit Application from Northeast Tree, Pond & Turf Service, Inc., to treat Shelter Rock Pond, 22 Shelter Rock Road.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS:

40 A Payne Road Enforcement Action

David Tinker - Cease & Desist Order sent by EIC 3/3/09, received 3/7/09. Gallo said Mr. Tinker was supposed to be here tonight. Baroody said let the record show that he did not appear to explain his activity. Derek Roy asked someone please refresh my memory. Baroody asked Derek to read the last minutes; it's in there. Mills asked about the Notice of Violation and the Cease and Desist orders; does he have to vacate the property? Baroody explained his first action was to come tonight. I know he's appeared previously with his attorney. We will keep checking on the property, and after the time limit on the order lapses, we will turn it over to Corporation Counsel for action. Chairman Gallo asked is there anything else on this?

(C & D Order sent to Tinker by Zoning Enforcement Officer 2/24/09)

ACCEPTANCE OF MINUTES: Motion to accept the 2/25/09 meeting minutes as complete by Lees. Second by Roy. Motion carried unanimously with Fagan abstaining.

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

The next regular EIC meeting will be held on **March 25, 2009**, at 7 pm.