



CITY OF DANBURY
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ENVIRONMENTAL IMPACT COMMISSION
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DRAFT MINUTES

March 25, 2009

Common Council Chambers 7:00 PM

The next regular EIC meeting will be held on **April 22, 2009**, at 7 pm.

Chairman Bernard Gallo called the meeting to order at 7:06 pm, and the Commissioners identified themselves from right to left. We have a quorum, Gallo announced.

Present were Gallo, Bruce R. Lees, Craig D. Westney, John Fagan, William J. Mills, Mark Massoud. Absent were Alternate Derek Roy and Matthew Rose.

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

The Pledge of Allegiance was led by Jon Fagan.

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. Beth Cavagna, Town of Bethel, to submit comments. This application was introduced by Chairman Gallo. Dan Baroody identified himself and said I contacted the attorney today and told them what we are still waiting for, so we should table this tonight. Mills made a motion to **table**. Fagan seconded the motion. The motion carried unanimously at 7:09.

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. Ben Doto, PE. Soil report received 1/20/09. Staking done 1/26/09. Danzer report received 1/28/09. Site visits 2/24 & 3/18/09 with Moeller & Danzer. Extension letter received 3/11/09. 3/18/09 Additional wetlands need flagging. Chairman Gallo introduced this petition as Benjamin Doto, III, PE, came forward and set up plans on the easel. Doto identified himself at the mic, saying I'm here tonight representing the applicant. This project has been in front of you for some time now. We had a site walk. We granted an extension. And we had an initial report from Dr. Danzer and he posed some questions about the soils near the Helicoil property. Dr. Henry Moeller, our soil scientist, is here tonight. Pastor Gary Baldelli is here. Mr. Moody the owner helped us, as did Dan Baroody. Basically, we looked at 8 to 10 areas which Mr. Moeller will discuss. I'm not a soil scientist, Doto said. There were a couple of areas that they just didn't agree on. Anytime you have two professionals, these things happen. A couple of notes from my pad: the time of year: it's March and it's wet. Mutliflora rose does not like wet feet, but skunk cabbage is a wetland plant. We are restrained by this application, and they agreed to disagree. I'll let Henry talk about the additional flagging, Doto said. Looking at the plan the dark green is wetlands that will remain. Yellow we're to fill. And the pink is the area we will create to compensate. Doto discussed the wetlands found on the site, the square footage, and Danzer's opinion versus Moeller's opinion. We had eight or ten samples. These were the areas they agreed on. I put the flags in the drawing, and asked myself what are our alternatives? My choices have not changed, and Doto reiterated the alternatives, the pros and cons, the rough fill edge that will be cleaned up. Trying to maintain this design to the best that we could, it's a trade off, Doto continued, disturbing more on this side. I looked at a couple of things, which Doto explained: the desire not to go to the Army Corps of Engineers; to keep the disturbance down, the new flags, some areas where we could probably lose a few parking spaces; comparing the different proposals; and do something with that landscape island to compensate. I still feel this proposal is the best; Dan, feel free to interject, Doto said. We did discuss with Danzer what if we move the driveway. He also agreed that this is the best spot for the driveway location. Almost anyone who has looked at this site agrees about the driveway location, and Doto again discussed the alternatives he had proposed. Without requiring a culvert and bisecting this side, as we discussed, we're treating that driveway to minimize the disturbance with a retaining wall, staying as low as we can to grade. We will still be around a three to one mitigation, and we have looked at water quality. This will be the third oil separator unit to be installed on this property. There will be detention storage; not just on this site. We're mitigating them, and providing water quality benefits. I still feel this is the best layout. In my experience, the variety of flags is a function of the number of soil scientists you have.

Henry Moeller, soil scientist, signed in and identified himself at 7:20 pm. Moeller said as Ben mentioned, this property has been highly disturbed: grading, filling; the adjacent property on the north side was filled substantially, and much of the water has been taken away. Doto submitted Moeller's new report dated 3/24/09. Moeller discussed the soils in the area, the depth of sediment, of the fill, the colors; two areas we did agree on did have some skunk cabbage. The topography is not perfectly smooth. A swale tends to catch water going down the slope. Some of our disagreement came while looking at colors and disturbed soils; these are not natural soils, and that's one reason we have differences of opinion, Moeller continued. It has been subject to influences over the years. The reddish mottles; I like to see that

they are distinct; so the two areas that we agreed on, I flagged. The rest are moderately well-drained soils and they will dry out in the next few weeks, depending on the weather patterns in general, Moeller said. The area overgrown with multiflora rose; plants growing right inside the flagged area, they don't like wet feet. They do not like poorly drained conditions. These soils have been subject to sedimentation, and Moeller explained their influences and history. There was at least 7 to 8 feet of fill where I am standing, so a significant amount of sedimentation took place at some time. There is a small leak -off located right up to there; I assume most of the runoff will be towards catch basins. The colors of the soils are not really dark enough; they are not really accumulating organic matter. These two areas that I did flag out, they will tend to dry out very quickly. I just could not flag the entire area that Danzer wanted as a wetland. The area here is highly disturbed; there's lots of sedimentation, and as a wetland environment in terms of their isolation; Moeller used Doto's colored plan to explain. They have very little value especially related to my initial report; the basic functions of a wetland. They are too dry and too small. Any questions, Moeller asked?

Westney said you spoke a lot about the quality of soils. What about the vegetated quality?

Moeller discussed the skunk cabbage and the multiflora rose, the dense canopy, the seed source.

Westney asked about the overall quality of the vegetated wetland? He listed some plants, asking if Moeller had noticed them.

Moeller said it's basically a dense thicket. Westney and Moeller discussed the overall site, the wetland quality; the rose at the edges; also some dense grass, Moeller said. This particular area in here is very weedy, with a lot of rip rap on both sides.

Westney said the second part of my question: it would seem that there would be some type of watercourse running through there. Moeller explained why he originally flagged it out; it doesn't have a lot of flow; you're not going to see it. It's totally manmade, Moeller said.

Mills asked what areas did Danzer cite as wetlands; I was just wondering, where you came to a disagreement, show us on the map. Moeller there was a couple of holes in this area, and a couple of holes down in this area. It definitely drains out, and the colors are much lighter also. Mills asked about the last section Moeller flagged.

Moeller said we were questioning whether it goes further or not. There's a leak-off, a very short gully; it's developed by the edge of the fill; it's not defined; there was no real running water the day we looked at it. Mills questioned the runoff and that hill. Moeller said you can have runoff, but my point is, looking at the original soil survey done in the early 70's; and Moeller described what they had found. The photos were from 1965. That's the historical aspect. It's been cut off and most of the drainage goes into pipes and into Shelter Rock Lane.

Mark Massoud said so there are traditional flagged wetlands. He asked Doto, and that area is proposed for development also? Doto replied right now it is; I did not want to reinvent the wheel. We had just gotten this two days ago from the surveyor, and we wanted to see what we could do. I still think the best proposal is this site plan with some modifications and some enhancements. From a practical standpoint, we have to get to the site with a driveway, Doto said. I agree with Mr. Moeller. The wetlands limit corresponds pretty much with the property line. Doto explained the possible locations, north, south and central, for the driveway, and the benefits and disadvantages of each. We are trying to preserve this area here where we intend to do our mitigation; a shallow detention basin that can be planted. Doto discussed the aesthetic quality of it, being as it's a church; it's a part of nature and fits into that, and pastor Baldelli wants that. Massoud said so given that you feel that this option still holds, what would some of those changes be, in light of your new information?

Ben Doto said, as I mentioned, this is going to be the primary portion of our mitigation area, taking the existing swale and enhancing it, but keeping the grades, which Doto expanded upon. Doto discussed the swale, preserved and enhanced; the parking; maintaining the grades; the landscape island; part of that ditch and swale, and that gets into some planning and zoning issues. On our details, just to show you, (Plan CO4), we have shown a driveway section. The retaining wall and storm pipe come through there, so what would happen there, that would get expanded, Mark, Doto explained. There would be less piping; it just would feed right into the basin. Roof drains send them out the back; maintain drainage patterns, sending it through the wetland area. We will have a septic system in the back, and a curtain drain there. Massoud asked about the kind of compensation. We're maintaining still a three to one mitigation ratio, Doto said, with mitigation and a redesign. Massoud asked are there any bio engineering measures that you might consider, an additional step, or an alternative step; thinking more of a roundish plant or rock filled to provide more stabilization to the bank. Doto said I thought we were not too severe in there intentionally. Doto said I can look at that. We need to get a landscape architect involved, and Doto cited a previous planting plan, and getting the landscape architect involved. Massoud and Doto discussed what Massoud called bio engineering concepts. I'm just throwing things out, Massoud said. Doto said we are limited in our storm drain. We want to keep grades relatively flat there too for handicapped-accessibility. We could incorporate these islands, but I'd have to get back to you. Massoud discussed the site and its history, and the nearby development, and, in my opinion, rather than get involved in a disagreement of small pockets of wetlands, look for some creative ways to mitigate or soften the edges of development. Take the opportunity, Massoud suggested, taking that maybe a step further; use vegetation more, maybe, is what I'm getting at. Doto said I need to sit down and look at it; go over it, present it to pastor Gary, and talk to the landscape architect. I think it would be limited to the area around the church itself, and Doto explained why at 7:57 pm. Massoud and Doto continued their discussion. Doto said we can have it for the next meeting. Secretary Lee said we only have one meeting in April.

Craig Westney (Tape 1 flipped to side B) asked about the mitigation ratio and the landscape architect, the crossing, and the southern side of the driveway. Doto explained to Westney using the easel with the Grading & Utility Plan (Plan CO2). We did look at a gabion wall and a modular block wall, and determined that these would not be optimal. Doto discussed that we are actually going down, and we will have knockouts on our curbing. It's just one foot high and it will cascade. We could do a little more too. We did not want to be higher than the Helicoil property. We did widen the driveway, as per the traffic engineer's suggestions, as we discussed before. Westney said, one final point, is there any opportunity to remediate some of that sedimentation? Doto explained there is some historic fill there, and Moeller concurred. We will clean up any garbage. Moeller got up and discussed the fill in the area that I did not classify as a wetland. Westney said this plan presents probably the least impact, echoing Commissioner Massoud; anything we can do will enhance this area.

Bruce R. Lees asked for a plan that will show the new flagged wetlands. We could then have Mr. Danzer take a look at it. Doto said I'm not sure what Dr. Danzer was going to submit. Lees asked for a plan that just shows the wetlands. Doto said I can have that for you tomorrow, and then get it to Danzer via the Health Department. Doto and Lees discussed the detention basin labeled on the CO2 plan. This came up at the last meeting: it's common practice to use a detention basin; let it fill up and let it dry; we have become greener in our approach, by simply changing the outlet of the basin. Doto described a combination detention area and detention

basin, in response to Lees' question. Lees said how about labeling it; marking it; fencing it. I don't want people walking on it. Doto said absolutely. Lees said fourthly, I want you to still scale back this project, for this small lot so close to the wetlands. Do we really need this much parking? Doto replied yes. Lees said I recommend scaling back the size of the building. Doto said, to answer your question, we are driven by seating capacity. Monday through Friday churches are underused. It would be wonderful if we could eliminate the islands, but Planning will not let us do that. Zoning requires a corridor for pedestrians to walk on, between cars, intentionally putting islands on both sides. I'm just answering your question. Lees reiterated this is too big of a project for this piece of land, and I'm done.

Gallo said we have one commissioner's opinion. Doto said as part of the variance application, this church was already scaled back once in size. Dan Baroody took the mic at 8:08 pm, and discussed stormwater structures not counting as mitigation. A detention basin is a stormwater structure. Doto said I have got to speak again: I do not agree on that.

Mills made a motion to **table** this. Westney seconded the motion. The motion carried unanimously at 8:10 pm.

Gallo announced on April 8th we do not have a meeting; it's a church holiday. Lees said if applicant could get the plans to Pat earlier, we could each then pick them up. We will work that out through staff, Gallo said.

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. D. DiVesta, PE. Site is flagged and staked 3/3/09. Alternative plans received 3/5/09. Site visit 3/11/09. Jon Fagan recused himself, as Gallo introduced this application. Douglas DiVesta, civil engineer, identified himself at the microphone. At the last meeting we went over the options, and one Commissioner asked how much filling we would be doing on each of those options, so I did some calculations on that. DiVesta discussed what he found: option one, 22 sq.feet; option two, 703 sq. feet; option three, 271 sq.feet. Robert Kaufman, property owner, sat in the front row. Option one has the least amount of filling of wetlands, and that is what we are looking at now; for the Commission to review and hopefully approve it as well. That's SP-3, the option right there, Site Grading and Utility Plan. DiVesta talked about a detention basin not serving two functions, and I agree with Ben Doto, but if that is the case, then we will provide some stormwater quality. Talking with Dan Baroody this afternoon, the site walk showed the area needing to be cleaned up, and we can consider that as part of our mitigation. That would be cleaned up, approximately 1570 square feet of area. It's been there for years, and my client has agreed to go in there and clean that up; about a three to one ratio for the wetlands that are being compromised. At the last meeting, the commissioners who were at the site walk noticed that the culvert under Backus Avenue, toward the airport, was all filled up with sand and debris. I've prepared a quick sketch that will be more formalized; and he handed out the three-pages. The first page is a blow-up of where the culvert is on Backus Avenue. The inland side is buried, full of sand accumulated over time. We'll clean all that area out, then back fill it up, and put riprap in there to prevent any scouring in there. DiVesta referred to an area on Route 7: riprap like that. DiVesta discussed how it could be cleaned. On the outlet side, we are doing the same thing; creating a plunge pool

area. That's the concept we are looking at for that area. That's really the only comments I have. Westney asked about the riprap channel and its length. Doug DiVesta said we are limited due to property lines. It is small on the west side; on the east side there's about 17 feet to work in; a narrow small plunge pool, trapping and allowing the water to slow down. Westney said I appreciate you getting us these comparisons; I struggle with the other options really being legitimate. Lees asked again for labeling; no fencing, a ground level label, not a picnic bench that can float down the street. Option one is the best, Lees said. Doug DiVesta explained he has a very detailed planting plan to beautify the proposal, so you won't have people coming in there, but we can do labeling also. Lees reiterated wanting some type of marker and a maintenance plan. Gallo said, Mr. Baroody, you are all set? Lees made a motion to **table** this. Westney seconded the motion. The motion carried unanimously at 8:25 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. Ben Doto, PE. 5.5 acres±. Site visit 3/24/09. Fagan returned to the microphone. Gallo introduced this petition, and Doto again identified himself. We had our site walk yesterday afternoon. Some of you were there, and basically it was pretty straight forward. Mr. Tarlton, the owner, was there, and he wants to clean up the messiness of his operation. Doto discussed the staking. What we basically witnessed; Mark Massoud knew more about the site than we did; the trees have all been planted, and all we are trying to do is to maintain the existing level of development. One item that came up: Mr. Mills had asked the question, there was a little area here, rough, and Bill asked if we could extend that wall. Mr. Tarlton agreed to it. Generally, I've got nothing to add; we will do that. Gallo asked are there any questions? Baroody said Staff needs more time to review it. Fagan made a motion to **table** this. Lees seconded the motion. The motion carried unanimously at 8:29 pm.

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. Upland & wetlands flagged 3/19/09. Site visit 3/24/09. Letter requesting to table 3/25 received today from applicant, as Dan explained at the mic. Jon Fagan said it was my suggestion that he restake it; there's one small area; not a big deal, and I would be comfortable moving this to administrative approval. Motion to **move to Administrative Approval** by Fagan. Mills seconded the motion. Westney had a question on who saw what on this site. Fagan thanked the applicant for the quick turnaround. The motion carried unanimously at 8:32 pm.

NEW BUSINESS: N.A.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: N.A.

ADMINISTRATIVE STAFF ACTIONS: N.A.

CORRESPONDENCE:

CACIWAC, Winter, 2009 newsletter "The Habitat" (CT Association of Conservation & Inland Wetlands Commissions, Inc.).

EIC ADMINISTRATION & FUTURE AGENDA ITEMS:

128 East Liberty Street

Regulated Activity # 836

Edward Blasco

Assessor's Lot # J13010, IL-40 Zone.

Date of Receipt: 4/22/09.

Cleanup, parking and islands.

First 65 Days: 6/26/09. Second 65 Days: 8/30/09. Artel Engineering Group, LLC. The Commissioners were given copies of the Zoning Enforcement Officer's correspondence with Mr. Blasco in their packets. Gallo introduced this issue with Dan Baroody at the mic. I did an inspection today with other City officials on the site, Baroody said, and there are DEP violations and zoning violations, and the owner and his engineer are here tonight to answer any questions. After a meeting with the Health Director, we decided that this does not warrant issuance of orders; we will work with the applicant to clean up the site. Mills asked Baroody will the staff go out and review the area once the applicant says it's cleaned up? Baroody said yes, and they advised me they will submit an application, and we will do our inspection before the next meeting. Massoud asked Baroody why no orders should be issued. Baroody explained that it was because of their cooperation, and they had already begun to contain the debris and clean it up. Today it was being worked on and it is a lot better than it was on Monday, Baroody said. The Health Director decided not to issue orders at this time. Also, he is in the Regulated Activity zone, and he had a previous permit for a deck hockey facility, and the area evolved into a parking area. Fagan said the Zoning Department sent this on August 18th, 2008. Gallo asked are there any questions? We don't need a motion, Gallo concluded.

ACCEPTANCE OF MINUTES: Motion to accept the minutes as presented from the 3/11/09 meeting by Lees. Second by Fagan. Motion carried unanimously.

Gallo said we are going to add to the agenda a comment period; anything in general you want to ask on non-agenda items, questions for Dan.

ADJOURNMENT: Motion to adjourn by Mills. Second by Lees. Motion carried unanimously at 8:28 pm.

The next regular EIC meeting will be held on April 22, 2008, at 7 pm.

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