



**CITY OF DANBURY**  
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*Environmental Impact Commission*

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**MINUTES**

**January 28, 2004**

**Common Council Chambers**

Next regularly scheduled meeting date **2/11/04**.

The meeting opened at what 7:20 pm.

Members Present: Chairman Benjamin Chianese, Bruce Lees, William J. Mills, Thomas Pinkham, Jr., & Keith Prazeres

Members Absent: Craig Westney, Kevin Russell, & Secretary Patricia Lee

Staff Present: Senior EIC Inspector Scott LeRoy, Jack Kozuchowski, Coordinator of Environmental and Occupational Health Services

Chairman Benjamin Chianese opened the meeting, welcomed the audience, introduced himself, and had the Members identify themselves. Board Members voted to accept tonight's agenda unanimously. The minutes from the last meeting were not available, so the Board Members voted unanimously to table the minutes from the 1/14/04 meeting until the next meeting 2/11/04.

**PUBLIC HEARING:**

**99 Federal Road**

**Regulated Activity # 533**

**Stew Leonard's**

Assessors Lot # L08031

Date of Receipt: 10/22/03    Extension ltr. rec'd.1/16/04.    *Continued from 12/10/03 & 1/14/03.*

First 35 Days: 1/14/04.    Extension 65 Days: 3/19/04.    *207-SpaceParking Area.*

Mr. Chianese introduced the Public Hearing and read the Legal Notice into the record. Mr. Chianese informed the Public of the site walk which took place 1/24/04 at Stew Leonard's, which was attended by himself, Mr. Mills, Mr. Prazeres, some people from the Public including Reed Mitchell, Secretary Patricia Lee, Atty. Ward Mazzucco, Doug Hempstead, Jim Rotondo. Jack Kozuchowski was not present. Ward Mazzucco took the microphone to discuss the site walk, and answer questions that had come up then and at the previous meeting. Matt Poppe injured his leg, and cannot be here for tonight's

meeting. Mr. Chianese gave his observations: it was “very clean”, well maintained, except for some hay bales, the electrical box, the drainage system discovered at the North end of the site. Jim Rotondo, Licensed Professional Engineer, took the microphone to describe the drainage system, which results from several Stew Leonard's catch basins that drain down to that headwall. “Federal Road does not drain to there.” He guessed that this drainage is not treated. Mr. Rotondo described the three drainage systems existing at Stew Leonard's, none of which are being treated, he surmised. Bill Mills asked regarding the boat ramps construction and locations. Mr. Rotondo said that the path down to the river will be traversable, and some kind of step system will be installed at the slope, the detail of which will be ready for the next meeting. Ben Chianese interrupted to announce that Thomas Pinkham, Jr. had just joined the panel. The Board Members and Mr. Rotondo discussed trying to keep wildlife from migrating up there, and the modified fence that runs by the river. Doug Hempstead came forward, stating that his understanding is that the fence is a State fence, and “now, basically, the fence is down”. “Putting it back up is not a problem from our side”, Hempstead said. We are just trying to establish who owns the fence. They discussed “that mound”, which appears to have been an animal habitat of some kind. There are no active tracks around it anymore, Hempstead said. Atty. Mazzucco said that he has seven photographs that he will leave the Board Members. The mound is on State property. From a flood standpoint, Atty. Mazzucco said, Roy Shook recommended that it would be better not to have the fence, as it might trap impediments. Bill Mills had a question about cutting down the 20 ft. or taller trees, and shade being a “favorable thing”. Reed Mitchell, a site walker, took the dais, and asked that if the meandering river later straightened out, would the applicant have the right to rechannel the river around their project. He also questioned the tree identity signs on the river side of the fence; who put them up? Are they on State property? Being no further input from the Public who had gone on the site walk, Atty. Mazzucco took the microphone again, to respond to some “carryover questions from last time”. The Town of Brookfield has been notified by Mazzucco and by the EIC Commission Secretary of the proposal on the 99 Federal Road property. He noted the 10/16/89 letter from the Facility Group, Inc. referring to the log kept on the job site regarding the activities being done at the site. He addressed “a concern that there had been a slew of violations over a long period of time”, and gave a more detailed history of the activities and the actions of the City and the Cease & Desist order; “it is long since resolved”. He addressed the bond reductions request letter and the bond release, indicating that the Health Department was satisfied in 1996. He discussed the property being divided into zones in 1991. He addressed the function of the paver system, and introduced Leonard Jackson of Leonard Jackson Associates, with his letter dated 1/22/04, which he submitted with Jackson's resume as an exhibit. Mr. Jackson, a Professional Engineer and Consultant, and a preparer of flood insurance studies, amplified his letter and the preservation of the flood storage capacity. He said he has studied perhaps a thousand rivers; his background is river analysis. He said that the paver system does not affect the flood storage capacity because it does not affect the elevation of the flood of the river; “absolutely no effect”. He discussed the potential for soil migration, with the stormwater running over the pavers; he referred to his Still River analysis of 7/8/99, calling the river “very slow”. There would not be any loss of particles; “the answer is no”, Jackson said. Atty. Mazzucco next introduced their soil scientist, Roy Shook, who took the microphone. He

discussed the previous applications and soil surveys, regulated soils, “the bottom line is that it’s regulated”, wetlands, “we said that from the word ‘go’”, alluvial soils, a wetland eco-system, not wet soil, “and that’s the point I try to make”. Mr. Mills discussed the creation of a wetland *on* a wetland in area 14, with Mr. Shook and Mr. Jackson, and the informational base that showed flood-prone areas before the creation of FEMA and Flood Regulations in 1972. “This wetland down here is about as good as it gets”, Jackson stated, regarding the wetland functions. Atty. Mazzucco asked, “If the proposal were to be approved, would there be more or less wetland habitat at the end of the day than there is now?” Mr. Jackson answered by describing the upland plantings. Jim Rotondo introduced himself, stating he had some information regarding tropical storm Floyd, as requested by Bruce Lees, and water flowing through that back area around 12/11/03. Mr. Rotondo described the water depth, rainfall, snow and temperature, so that water may have been a combination of the rainfall and the snowmelt. Rotondo also submitted additional information, which he printed out, on the pavers and their pinning system, which is also available on the Invisible Structures website, he said. He noted that the first item of Jack Kozuchowski’s letter had already been answered by Leonard Jackson tonight, the soils migration, and Rotondo touched on this topic additionally. (Tape A flipped to side B). He discussed the natural biological process which takes place on the vehicles’ emitted hydrocarbons infiltrations, in any type of upper soil which is vegetated, microorganisms that are working to “eat bacteria, and, in this case, pollutants, and they break them down” into elements which are not harmful to the environment, Rotondo said. He claimed the pollutants are not stored in this area, and then washed out when water does come across. The biofilter perimeter around the parking lot, Rotondo said, will collect any water runoff for more treatment. Rotondo said that we feel that what we have designed “is adequate, in our opinion”. Mr. Mills asked about the runoff, the gravel paver system, the weight loading requirements, the base depth, the fiber mat, and Mr. Rotondo answered his concerns. He will obtain more information regarding the base depth required for Bill Mills, the Fire Marshal and fire apparatus, for more structural stability. Rotondo said that the phrase that the paver system is “subject to change” has been removed from the plans: “This drawing will be submitted into the record”. Mills and Rotondo discussed the mix of the grass and the gravel paver systems. Ben Chianese asked questions about the snow plowing plans. Rotondo said there will be no salt or sand used in the pavers areas. The discussed the concrete islands that will be set, flush with the ground. Mr. Mills asked Mr. Rotondo to “look into additional trees” for the parking area. Mr. Mills asked about the infiltration trench, the seed mix for the top of the trench, popping the manhole cover, the contingency plan as part of the monitoring plan if removal targets are not met, retro-fitting the existing system. Mr. Rotondo said, “There are many different measures which we could look into to retrofit the existing system”. He said there will be three discharge points. He discussed the grade, the flow of the water he driveway, the cross-slope, expansion & contraction of the materials with ice, the three discharge points, with Mr. Mills and the other Board Members. Mr. Mills asked another question about the boardwalk in the areas with standing water, marshland. Mr. Rotondo said that Matt Poppe had presented, at the last meeting, a description of the pier/ auger system for the boardwalk’s installation. Rotondo said there will have to be rails on the boardwalk. Mr. Hempstead described the peak use of the proposed parking lot at Christmas and possibly Easter. Mr. Mills reminded him that two years ago we had snow

on Thanksgiving. Atty. Mazzucco thanked the panel for all of their time. Mr. Mills had additional questions and comments about cutting the grass, plantings, a specific person to be responsible for the maintenance and its log, "that's what I'm concerned with". Atty. Mazzucco said we do have proposals from the engineer and from Matt Poppe to monitor the site. Doug Hempstead said that Stew Leonard's has in-house personnel to monitor the maintenance & daily clean-up, and an outside vendor to do the mowing and leaf clean-up. Mr. Chianese said, "So basically, it will be maintained by Stew Leonard's", and Mr. Hempstead said "yes". Ben Chianese said he had some questions that he would hold off on. He read the letter into the record from the State of CT Dept. of Transportation dated 1/14/04, stating that the commuter parking lot could not be used for employee parking for a business in the private sector; it would set a detrimental precedent. Mr. Chianese asked the applicant if they had contacted the State Dept. of Transportation. Atty. Mazzucco said that he had introduced that 1/14/04 letter at the last meeting. Mr. Mills voiced concerns regarding the hayrides and the planting plan. Chairman Chianese next invited the Public up to speak. (Tape #2, side A, inserted). Ms. Mary Reynolds came to the microphone, and gave her name and address. This is her third time, she said, speaking in opposition to the application. She referred to the history of the applicant, and "all the little souls that died back there". She said, "They were actually killed." She presented a display showing the "quick view" history of the applicant, the "clear-cutting" of the trees, and read a letter into the record. She called it "a disgrace"; "It's enough to make you cry, isn't it?" Ms. Reynolds said she comes here "to represent those who cannot speak for themselves". She discussed the displaced animals, their lost habitat, "nothing can bring back those poor souls that died that day". She made a formal request that "you do everything in your power to object to this proposal before your Commission", and further discussed the "casual disregard" for the habitat, the trees, the vegetation, the birds, the fish, "the complete disregard for the 1988 permit, which mandated the planting of thousands of seedlings and bushes along the Still River." The plantings were never done, she said. Ms. Reynolds concluded by quoting Pope John Paul: "the increasing devastation of the world of nature". Mr. LeRoy said he believes the file has most or all of her articles. Chairman Chianese said, for the record, some old files were found, and those articles are in there, for those who wish to see them. He said, again, try to keep your comments to new information that has not yet been submitted. Next, Lynn Waller took the dais, giving her name & address. She thanked the Commission for making the site visit. She asked, if and when Stew Leonard's decides to build the other two buildings, where will the merchandise be moved that is currently stored in parking spaces adjacent to the store; "in the new parking lot in the floodplain?" "And where will the employees from these two new buildings park?" Ms. Waller discussed concerns about temporary versus permanent parking, employee-only parking, getting boats to and from the boat launches. "Please don't allow them to over-use this land", she asked. She asked the Board Members to remember the VCR tape she showed them earlier in the hearing process: "the flood waters were all the way up to Stew's loading docks". "I ask you again to turn down this application". "Parking in a flood plain should not be allowed, now or ever", Ms. Waller concluded. Reed Mitchell next took the microphone, and described the electrical box he saw on the site plan. He expressed concern about the lighting for the parking lot, for possible use of herbicides, stipulating that the parking lot not be used between November and April, if that is to be the case,

stipulating that only passenger vehicles be allowed to park there. "Maybe they run a tight ship, and maybe they don't". He suggested that "you make it a stipulation of the plan", to make sure it doesn't happen, or at least have recourse when it does. Mr. Chianese asked if there were any other members of the public who wished to speak in favor, or in opposition, to the application. Attorney Joseph C. Coco approached the dais, introduced himself, and gave his address. He gave a history of the conflicting wetland reports done by ESM, a consultant for Stew Leonard's, and the State's response letter to the City, in 1998, which said that the reports contradict each other. Then the State made the decision that this area is entirely in wetlands, and it's a regulated activity. Coco said he had copies of his notes, which he will distribute to the Board Members tonight. He had visited City Hall yesterday, and noted some documents that are missing from 1990 from the Stew Leonard's file there. He cited restrictions previously imposed in 1989 on the site regarding salt, herbicides, and calcium chloride. Sand only was allowed. He offered that he will soon have some land for sale nearby where Stew's could build a parking lot. He read several memos, which stated in the 1990's that parking should only be done on a paved surface here, and that they must get the approval by the Army Corps of Engineers. In 2/2000, the EIC suggested as an alternative, to use grass pavers or gravel pavers on the & Engineers stated then that you can't use gravel or grass pavers in this area because the area is wet too often; it would increase sedimentation runoff, and pollution from automobiles would enter the ecosystem during flooding, Atty. Coco said. Planning & Zoning noted that, in 2000, in order to build a ten or fifteen thousand sq.ft. building, Stew Leonard's needs to put additional parking on the site. It is not for overflow parking for employees, Coco stated, so much as to supply parking for this building. "I think that's the ulterior motive", Mr. Coco said. Mr. Chianese and Mr. LeRoy asked if they could have, or where to find a copy, of that memo. He described the property ownership of Stew's, and that owned by the State, according to the tax assessor's map. He asked, "that you deny this application, as you have in the past, for the reason that you've always given in the past, which is that there are alternatives, and this is not an environmentally feasible plan". Mr. LeRoy said that Pat can make copies of the map. Mr. Coco asked if there were any questions, and there was one from a Board Member regarding the 1989 salt prohibition. Mr. Chianese asked if there were any members of the public in favor, or in opposition, to the application who wished to speak, and he asked this three times. He reminded everyone that the Public Hearing will not close this evening. Mr. Jack Kozuchowski came to the microphone. He talked about the letter from Mr. Jackson which the Board Members had not yet seen. And Mr. Kozuchowski's second point was that the part-time staff ecologist, Steven Danzer, Ph.D., will do an evaluation of the impact of the proposed parking lot on the habitat function and value of the flood lot. "His report will be available within the next week or so", Jack Kozuchowski said. Unless anything else comes up, that is the last piece Jack Kozuchowski needs to put together his Environmental Assessment Report. He will present this at the next meeting, the "final meeting before you have to close the Public Hearing, February 11<sup>th</sup>". He aims to have his report ready a few days before, so that any Commission member or member of the Public can examine it before the meeting. Mr. Lees asked that he e-mail it to the Commission Members. Scott LeRoy said to forward it to Pat, and she will e-mail it to the Board Members. Mr. Mills asked who is the environmental monitor, and Mr. Kozuchowski said he did not know. Mr. Mills asked who is going to be responsible for

post-construction monitoring the first year, and post-construction monitoring the 2<sup>nd</sup> and 3<sup>rd</sup> years. Ward Mazzucco said it will be Mr. Poppe, and this could be stipulated. Mr. Mills asked the applicant to submit a map showing where the State land ownership is, and where Stew's land ownership is. Ward Mazzucco suggested to the Chairman that, with all the snow we've been having, we hold the following evening "in reserve" for a special meeting, in case it needed to; just a thought. Ben Chianese, Scott LeRoy, Bruce Lees discussed the new statute. Mr. LeRoy reminded them that you still have 65 days to make a decision after the Public Hearing is closed. Mr. Chianese said we want to get as much on the record as possible, all questions answered. Mr. Chianese asked, since it would be helpful for him, can we get the same map done showing today's proposal? A new aerial photo? Ward Mazzucco said, with all the snow we've been having, an aerial photo might not be that helpful. Would staking the parking area suffice? Atty. Coco said you can get aerial photos, taken by satellite imagery, on line. Mr. Mazzucco said they will do the best they can. Mr. Chianese said he'd like to see more alternatives. Mr. Rotondo said it's about 66,000 sq.ft., in answer to Ben's question. Rotondo said that they have been approved for two additional buildings. They reviewed the number of current parking spaces, and the number proposed, 626, excluding the closed spaces. Rotondo and Chianese discussed taking out those two proposed buildings, and using that for parking. They talked about the perimeter parking, parking against the building, the parallel spaces behind the building, how many more spaces will they be getting now, the spaces to be removed further to the North, the idea of building a parking garage as an alternative, the petting zoo as an alternative use. (Mr. LeRoy flipped Tape #2 to side B.) Mr. Mazzucco discussed the "thousands of trees" mentioned earlier, and that in 1993, as previously shown, the tree cutting had been remedied to the satisfaction of the City. They continued the discussion of the number of parking spaces to be added and those to be reduced, the petting zoo, why haven't the two approved buildings been built yet, the use of the proposed additional buildings, the administrative approval of those buildings by the Planning Commission, peak times traffic and queuing up, the "extraordinary attraction that this store has", the use of golf carts at Christmas at the Danbury Mall to bring shoppers to their cars, the Mall parking lot being designed to flood. Mr. Chianese said the Public Hearing will be continued to the 2/11/04 meeting, and that the Commission will go into Executive Session at 6 pm that evening for the first hour, to 7 pm, and then we will **continue** this Public Hearing. Mr. LeRoy said, "Not the Public Hearing". Bruce Lees motioned that the Public Hearing be continued to 2/11/04 at approximately 7:15 pm, Mr. Russell seconded the motion, and it carried unanimously. Mr. Lees motioned to take a five-minute recess, which was seconded and unanimously approved. Mr. Lees then motioned to take a *ten*-minute recess, and the Board Members laughed.

The meeting reconvened at 9:50 pm.

**NEW BUSINESS:** None.

**OLD BUSINESS:**

**Virginia Avenue**

**Regulated Activity # 534**

**The Garner Resubdivision** J11232, J11233, J11249, J11250, J11251, J11252, J11253,

J11254, J11255, J11256, J11257, J11258, J11259, J11260

Date of Receipt: 12/10/03. *Three lot subdivision.* First 65 Days 2/12/04, Second 65 Days 4/17/04. *Soil report received 11/18/03.* Mr. Chianese introduced this application, and Mr. LeRoy distributed the maps. Michael Mazzucco, Professional Civil Engineer, of Danbury, identified himself as representing Construction Consultants for this application. He referred to his December meeting presentation, and he met with Scott LeRoy on the 17<sup>th</sup> to discuss revisions, and since that time he received the engineering letter, so he is waiting only for the survey map to come back, so that he can submit the revised plans to the Commission. He asked if there were questions, and, if not, suggested they table it. Mr. Lees motioned to **table** the application. Tom Pinkham seconded the motion and it carried unanimously.

**Oil Mill Road – Lot 12**

**Regulated Activity # 389 R**

**Burton’s Bridge Condominiums.** Assessors Lot # H15066. Date of Receipt of **Revision:** 1/14/04. Administrative Approval Requested. First 65 Days: 3/12/04 Second 65 Days: 5/16/04. Chairman Chianese introduced this item. Michael J. Mazzucco, Professional Engineer, said he “did not bring that one”, since they are requesting Administrative Approval. Scott LeRoy said he could not move it to Administrative Approval, and they discussed the payment of fees with Mr. Chianese. Mr. Chianese said we are going to charge the full fee as a Regulated Activity, even though Scott’s going to review it. Mr. Mazzucco said he’d already paid \$180 for a revised EIC permit. Mr. LeRoy said that now he would like to ask for Administrative Approval; “so you’re comfortable with sending things to Administrative Approval.” And Ben answered “yes”. Mr. LeRoy said they’re decreasing the impact, actually, and they’re going to revise it again. A brief discussion followed among the Board Members. Mr. Mazzucco had them look at the site utilities plan, the series of pipes there. The DEP asked him to move that back. More internal discussion went on simultaneously about the plans and the project location, as Mr. Mazzucco spoke. Mr. Mazzucco said he “just really wanted the Commission to have the latest set of plans, that’s all”. Mr. Lees made a motion to **table** this item. Mr. Mills seconded the motion, and it carried unanimously.

**40 – 42 Kenosia Avenue**

**Regulated Activity # 538**

**Kenosia Plaza, LLC.** Assessors Lot # E17085, E17086.

Date of Receipt: 1/14/04. *Medical & Business Office.* First 65 Days: 3/12/04 Second 65 Days: 5/16/04. Mr. Chianese introduced this application, and said, due to a business

conflict, he has to excuse himself from this application. Vice-Chairman Tom Pinkham took over. Michael Mazzucco, Professional Engineer, spoke on behalf of the medical pavilion proposed for Kenosia Avenue. He displayed the survey map showing existing conditions, and explained the location as the east side of Kenosia Avenue, just south of Precision Drive, just after the trailer park, it sits up on a hill. There are presently two houses on the site, and a couple of outbuildings. Mill Plain Swamp is in back of the property. It is not on the watershed or Lake Kenosia. He showed the area maps and flood insurance maps. Mr. LeRoy asked if the wetlands were flagged, and Mazzucco answered "yes". The limit of construction "is pretty much the whole site". Existing buildings will be taken down, and a three-floor, 40,000 sq. ft. medical facility, with a detention basin proposed. He said they've tried to work as best they could with the dramatic grade. There are proposed retaining walls on the southern side, and a smaller section on the northern side. Both walls stop just before the basin. We have a meeting scheduled, he said, with the adjoining property owners, since their buildings are 4 or 5 feet off the property line. We want to lower the grade down as much as possible. Mr. Mills asked about drainage, and Mazzucco described the set of basins proposed, the 3 discharge points into a grass swale, the grade, the parking, the travel time of the drainage and multiple discharge points, so the discharge is not concentrated in one spot. There is a dump back there, Mazzucco said, and David Grogins, Attorney at 158 Deer Hill Avenue, for the applicant, took the microphone. He said that an environmentalist had investigated the dump area, and we're going to clean it up, and there was no contamination found. They told Mr. Mills that the wetlands are flagged. The dump is on the southerly side, some bottles, etc.. Mr. LeRoy said this is not a Public Hearing, in response to Mr. Lees request about a sign-in sheet. When asked how are they treating the water, Mr. Mazzucco said, "The main thing really, was the basin and the swale, and the travel time through the basin". Mr. Mills and Mr. LeRoy said they have some concerns regarding Mill Plain Swamp. Mr. LeRoy asked if there were endangered species; had any habitat report been done, and Mazzucco answered "no". "That's going to be required", Scott LeRoy said. They all discussed the connections between the Mill Plain Swamp and Lake Kenosia, which endangered species are reportedly there, the snow on the ground there, the drop off and erratic topography near the swamp, the pre-treatment of the stormwater before the swale, the sand and sediment versus the nutrients, the chart on page 3 about the pollutants, BMP's, the pollutants being exported after treatment versus before treatment. Mr. LeRoy said, "All that needs to be improved tremendously", and time lines are getting close. Scott LeRoy said, "There's a lot to do before the next meeting. We may have to throw this to Public Hearing." Mr. Mazzucco asked Scott to send him that FAX regarding the stormwater, and they discussed the pollutants export guidelines. (Mr. LeRoy inserted Tape #3, side A). Mr. Mazzucco said, "I meet those requirements based on those percentages." Mr. LeRoy said he would create his report, referring to the chart that the Health Department hands out. Mr. LeRoy and Mr. Mazzucco discussed the time line stated on the tonight's printed agenda, and the time restraints for Administrative Approval versus a Regulated Activity. Mr. LeRoy said Mazzucco should "get back to ion submitted. Mr. Mills asked a drainage question and a grade question, & Mr. Mazzucco responded, showing him the maps. Mazzucco said it's all sand & gravel in this area, so it's the only way he could think of to stabilize it. Being no further questions, Mr. Lees made a motion to **table**. Mr. Mills seconded the motion, and it carried

unanimously.

Vice-Chairman Pinkham announced that Chairman Chianese was now “allowed to return to the premises”. Mr. Chianese returned to the panel.

**Saw Mill Road & Old Ridgebury Road Regulated Activity # 539**

**The Reserve, Phase 1B, phase 17.** Assessors Lot # A16002, C16012.

Date of Receipt: 1/14/04. *Office Building*. Revisions rec'd. 1/23/04. First 65 Days: 3/12/04 Second 65 Days: 5/16/04. Mr. LeRoy remarked, “You guys aren’t going home yet”. Mr. Chianese introduced Regulated Activity #539. Mr. John Block of Tighe & Bond, Civil Engineers, took the dais on behalf of the applicant, Woodland Group II, LLC. He said since the last meeting a revised application has been submitted which included the sanitary sewer and water for the project. He indicated the proposed site on the map on the easel. He said the water main extended from Old Ridgebury Road, and the sanitary sewer which will be extended from Mill Plain up and through, into the site for the housing project (EIC523) and the stadium (EIC524). Mr. LeRoy said the big plan that’s on the desk down at the Permit Center, the color one that shows the progression of the site, needs to be revised as well. “I walk by it all day long”, Mr. LeRoy said. Mr. Block said the high pressure, water tower will be built at this location, referring to the map, and there will be a 16 inch pipe for the rest of the project. Mr. Block said we are not going through wetlands; it’s within the 100-foot area. He said we have submitted a revised drainage plan. The galley system has been relocated back, underneath the parking lot, moved away from the wetland. But we are still building a retaining wall, about 27 ft. from the wetland, Block said, in response to Mr. Mills’s comments. If we didn’t have the retaining wall, we’d be filling into the wetland area. He indicated the grade, and its changes, 32 parking spaces to be provided, with nine spaces underneath the building. They all discussed the additional reading they needed to do. Ms. Jodie Chase, Ecologist, Mr. Block said, is here tonight to answer any questions. Mr. Block said the wetlands are flagged and the building is flagged. Scott LeRoy had asked previously for maps for the Board to look at their proposed regrading of the channel of the graded swale, just ending right at the wetland line, maybe put some vegetation in, since it was installed only as a drainage swale, not as a water quality swale. “That needs to be improved”, Mr. Block said. Ms. Chase asked a question of Mr. Block regarding the swale. Mr. Block said we will address that. Mr. Pinkham made a motion to **table** this item. This was seconded by Kevin B. Russell, and the motion carried unanimously.

Mr. LeRoy said, “Pat’s going to laugh when she hears this one”. A Board Member said, “She’s going to kill you for messing up her tape.”

**APPLICATIONS FOR ADMINISTRATIVE APPROVAL:**

**77 – 83 Mill Plain Road**

**Regulated Activity # 537**

**Shurgard Storage Centers, Inc.** Assessors Lot # D14032.

Date of Receipt: 12/10/04. *Extension letter rec'd. 2/5/04.* First 65 Days  
2/12/04, Second 65 Days 4/17/03. Mr. Chianese introduced this application. Mr. LeRoy said he'd asked Jeannie Williamson to make up the wetland loss that was caused by the previous approved EIC application that was never finished. Scott LeRoy said she said she'd look into it, and doesn't think it will be a problem. She has to "prove it with the numbers, and get somebody out there". Mr. LeRoy continued that, as long as they make up for the wetland loss, it will not be a problem to keep it on Administrative Approval. No action taken.

**ADMINISTRATIVE STAFF ACTIONS:**

**9 Segar Street**

**Regulated Activity # 535**

**O & G Industries, Inc.** Assessor's Lot # G16007, G16009 and portion G16008.

Date of Receipt: 12/10/03. *Earth Products Showcase Building.* Admin. **Approval** letter sent 1/15/04 by Scott LeRoy. Mr. LeRoy said, a related story with O & G is that, regarding their violation, they sent a counter-letter and a counter-offer to the department, and Jack Kozuchowski "countered the counter". They said they wanted to use up all of the fuel in the tank before moving it. Jack Kozuchowski stood firm, Mr. LeRoy said, and told them to get that tank out of there. O & G said it will be out of there by March 5<sup>th</sup>, and by that time the tank can be removed as well, and we thought of that as reasonable, Mr. LeRoy said. The threat is slim that we'll have a 100 year flood in the next month or so, Scott LeRoy said, and we also put some conditions that they have to make sure that things don't flood, they have to have a monitoring program, and they shouldn't refill the tank. Jack did not send this yet, since he wanted to be sure that it is okay with you, Scott LeRoy said. It's a 10,000 gal. tank. It has 6000 gallons of fuel, and they said it will be gone by March 5, 2004. Mr. Chianese asked about an alternative, let's say they don't move it by March 5<sup>th</sup>. Mr. LeRoy replied, send it to Corporation Counsel. Responding to Mr. Mills, we feel it is always the obligation of the applicant to have the proper permits, Scott LeRoy said, not the responsibility of the City. They discussed what was recently approved administratively; they reduced the amount of disturbance in that new showroom. "Jack's worked with these guys forever", Mr. LeRoy said.

Chairman Chianese next introduced the **CORRESPONDENCE:** Connecticut Association of Conservation & Inland Wetlands Commissions, Inc. (CACIWC) Fall 2003 Newsletter.

As requested by letter dated 1/12/04, Candlewood Lake Authority has been added to the EIC e-distribution list.

**EIC ADMINISTRATION, OPERATIONS, & FUTURE AGENDA ITEMS:** Mr. Chianese read through the following, and Mr. LeRoy offered his comments regarding two major revisions to update on procedures to amend, update the Inland Wetland & Watercourses Regulations of the City of Danbury and the EIC fee schedule. Since EIC is

looking into this, Corporation Counsel may create an ordinance for all Commissions to do this, Scott LeRoy said. We're going to look for some examples, such as the \$100 for inspection fee, he added. I have examples from five or six other towns, some fee schedules, Mr. LeRoy said, maybe basing fees on a percentage basis. Scott asked the Board's permission to have Steven Danzer, Ph.D., look at our regulations. "Page 2 of this shows you the time lines", he said. There's Public Hearings, there's legal advertisements, notices, changes go to DEP, probably a meeting with DEP, once we get some of the things we want to do, do they think that's a good idea. They deal with all the towns; they should have good ideas on what works and what does not work, Mr. LeRoy said. The Chairman of the EIC can form his own subcommittee, and Mr. LeRoy would like a subcommittee to help him, and Mr. Bill Mills is an eager volunteer. People who have time to work on this, please volunteer, LeRoy asked. All should read it anyway. Ben Chianese said he would like Bill Mills to head up the subcommittee, and Steven Danzer, Ph.D., should be asked to help. Mr. Pinkham motioned to form a subcommittee to be chaired by Mr. Mill. Kevin B. Russell seconded the motion. The motion carried unanimously. It will be open to anyone who wants to be on it, and Mr. Mills should set the dates for meetings and have agenda, Mr. Chianese suggested. By the second meeting in February, we could talk about it at the end of that meeting, Mr. LeRoy said. Mr. Chianese suggested we start the meeting at 7 pm to discuss this, and resume the Public Hearing at 7:30 pm. "Everybody's' opinion counts", Scott LeRoy said. Mr. Chianese told Mr. Mills that we'll run the "meeting around you". Mr. Lees said we should make a note to tell Pat that we want to start the next meeting at 6 pm, for EIC Executive Session, and post the Public Hearing at 7:30 pm. Mr. Pinkham made a motion to start the next meeting, 2/11/04, with an Executive Session at 6 pm, in Council Chambers. Mr. Chianese said Mr. Mills will run his subcommittee meetings as he wishes, and Mr. LeRoy suggested that Mr. Mills not use the gavel. Mr. Mills seconded the motion for the Executive Session at 6 pm on 2/11/04. The motion carried unanimously. Mr. Chianese and Mr. LeRoy discussed what the content of an Executive Session should be, by regulation. It is not recorded. There are no official minutes taken, and we can speak openly and freely, Mr. LeRoy said. "As long as you follow the rules that are set down by the EIC", Scott said. Mr. Mills asked, can we discuss Jack Kozuchowski's final report on Stew Leonard's, and the answer was "yes". Scott LeRoy submitted to the Board Members a legal opinion drafted by Atty. Bob Yamin of Corporation Counsel, about Commission legal authority. Read it at your leisure, Mr. LeRoy said, and we'll discuss it at the next meeting.

**ADJOURNMENT:** A motion to adjourn was made by Tom Pinkham. It was seconded by Bruce Lees. The motion carried unanimously.

Respectfully submitted by

Patricia M. Lee, Secretary

