



**CITY OF DANBURY**  
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DANBURY, CONNECTICUT 06810

ENVIRONMENTAL IMPACT COMMISSION  
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## **MINUTES**

**February 25, 2004**

**DEIC**

**Common Council Chambers**

**Next regularly scheduled meeting date 3/10/04.**

The meeting opened at 7:09 pm, with Benjamin Chianese presiding. He asked the Board Members to identify themselves for the record.

Members Present: Benjamin Chianese, Bruce R. Lees, Kevin Russell, Craig Westney, William Mills, Keith Prazeres

Members Absent: Thomas Pinkham, Jr.

Staff Present: Jack Kozuchowski & Scott LeRoy of the Health Dept., Patricia Lee, Secretary

### **CORRESPONDENCE:**

State of CT DEP letter to Luchs Consulting Engineers regarding dam construction at Extension of University Blvd., WCSU. Scott LeRoy explained the requirement for this letter, dated 2/6/04. Since the detention basin proposed for WCSU is large, a detention dam is necessary.

Pesticide Permit Application of Aquatic Control Technology, Inc., from Sutton, MA., to treat Boehringer Ponds with a pesticide. Scott LeRoy said this is a courtesy to alert the local municipalities.

### **EIC ADMINISTRATION, OPERATIONS, & FUTURE AGENDA ITEMS:**

Northwest Conservation District (NCD) "What's Legally Required?", (7<sup>th</sup> ed., 2003) offers a course in land use regulations, 3/23/04, 5 – 9 pm, in Litchfield. Mr. Chianese said this is an important issue. Scott LeRoy said he'd ask Bill Campbell to request money for this from the Administration, if the money is there. It costs \$15, with the book \$32. Scott asked the Board

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Members to give him a head count by March 1, 2004.

Proposed addition to EIC regulations re: Additional Review Fee, from Robin Edwards, Corporation Counsel. Mr. Chianese introduced this topic. Scott said this additional fee will apply when the EIC needs to hire a specialist. Bill Mills said there is a lot of paperwork, and “rightfully so; it has to get done because we’re going to be busy this year”. Mr. Mills wants a special meeting / workshop. At the March meeting, he will get a consensus of when to meet regarding regulations update. He will try to break it down into sections.

O & G diesel fuel oil tank violation follow-up discussion was opened by Jack Kozuchowski at 7:23 pm. He said that O & G will monitor the weather forecast for any potential storms. If one is predicted, they will remove the tank within 24 hours. The second letter from O & G requests another month, to design a system to elevate the tank to above flood level. Jack Kozuchowski said I will respond that I will allow them a one month period to design this and see if it’s feasible. They must then get a positive review from our engineering department. Mr. Mills asked about their previous approval. Jack Kozuchowski said they had approval, but they put the tank in the wrong place, in the flood plain. Mr. Kozuchowski is giving them till 4/1/04, i.e., and extension from 3/3 to 4/1. Mr. Mills said that “could drag on for several months”. Mills said just take the tank down by 4/3. Mr. Chianese asked if the ultimate result is that it will have to come down. Jack suggested letting O & G get the flood plain permit, then the EIC permit. Mr. Mills said they are “monthing us to death”. Jack suggested O & G come to the next EIC meeting. Mr. Westney suggested allowing until 4/1/04 for our engineering department to evaluate this and do a report; this would be reasonable and prudent. Mr. Lees asked what about Administrative Approval. Mr. Kozuchowski recommended that the EIC does not allow Admin. Approval. “I wouldn’t touch it without the engineering dept. review”. Mr. Lees said he agreed with Bill Mills: they will need two to three meetings before the EIC. Mr. Kozuchowski said their engineer wants to design some kind of culvert. Mr. Chianese said it’s okay to extend from 3/3/04 to 3/10/04, the next meeting date, have O & G come to the next meeting 3/10 and “we’ll talk”. Keith Prazeres said they can concoct something. Jack answered “probably”.

**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, 1/14/04, 1/28/04, 2/11/04.*

First 35 Days of Public Hearing: 1/14/04. Extension 65 Days: 3/19/04. Last EIC Meeting Date: 3/10/04. Decision must be rendered within 35 days after close of Public Hearing.

Chairman Chianese introduced this Public Hearing at 7:38 pm, and read the legal notice into the record. Ben said he would like to conclude the Public Hearing by 9 pm, then continue discussion after all other business, or at the next meeting. Jack Kozuchowski took the dais. He said he’d done a small revision that either Keith or Kevin had requested, regarding the flood way versus the flood plain, a replacement for page 5 in Jack’s report. Ben Chianese said Pat will take care of that. Ward Mazzucco, Attorney, took the dais at 7:40 pm. He said Stew’s hayride application was approved by the Planning Dept. on 10/15/98, the site plan waiver was approved. He distributed Mark Massoud’s letter to the panel. Mr. Matthew Poppe, Landscape Architect with 2/25/04

Environmental Land Solutions, LLC, identified himself and read a brief letter regarding the hayride, which he passed out to the Board. It said there is no visible sign of a wetland impact from the hayride, no erosion. Atty. Mazzucco next discussed the possibility of building a parking garage, stating that on 2/5/98; Stew Leonard's had stated that this was not feasible or prudent. Ward said there are only two parking garages in Danbury currently. Bill Mills and Ben Chianese cited two other parking garages in Danbury that Ward had not mentioned. Mr. Jim Rotondo took the microphone at 7:46 pm, stating that he'd prepared a "Parking Deck Alternative Analysis", a point-by-point analysis with 8 points. The points are: location, construction time, obstruction of emergency vehicle circulation, inconvenience for shopping carts, steep ramps, water mains and fire connections would have to be relocated, the sanitary sewer and grease trap will have to be relocated, it will cost approximately \$15,000 per space, based on 318 spaces, or \$4,770,000, compared to the proposed back lot parking area. His letter included a summary. Atty. Mazzucco said he will wrap up his comments at the end. (Tape #1 flipped to side B at 7:52 pm). Chairman Chianese asked if there were any members of the public who wished to speak in favor, or in opposition, to the application. Mr. Thomas Saadi of Shelter Rock Road, Danbury, took the dais, stating that he is an attorney and member of the Common Council, and was formerly on the Environmental Impact Commission, the Zoning Commission, and the Board of Tax Appeals. Mr. Saadi said he would not regurgitate what had been said, but keep in mind the history in his context. The Board is the fiduciary of the wetlands. This application is similar to those you've denied or that have been withdrawn in the past. Saadi said their charge is not to find the easiest or cheapest alternative, but a feasible and prudent alternative. "The wetlands did not choose to be there", Mr. Saadi said. This company chose to locate in wetlands. A feasible alternative has been presented to you tonight. There are other parking garages in town. All factors in Mr. Rotondo's parking deck analysis, Mr. Saadi said, "That is the cost of doing business". That is not a wetlands Commission's concern. What has changed over the last ten or twelve years, Saadi asked. Not much. This would be a significant impact. This is not a use issue. Mr. Lees asked Mr. Saadi if, when Tom was on the EIC, did Stew Leonard's ever come before him. Tom Saadi said he was on the EIC for about three years, 1991 through June, 1993.

Mr. Joseph Coco came forward at 8 pm, identified himself, and addressed the approval of the two proposed buildings. Isn't it as inconvenient to build them here, as it is a parking garage? Coco said Norwalk has a parking deck west of their store. He had been in touch with the U.S. Army Corps of Engineers, and found out that Stew's has not gone before the Army Corps of Engineers. He had contacted Paul Mikin in Concord, MA, a project manager at 1-800-343-4789, who told Coco that Stew Leonard's is a significant impact. Mikin suggested that Coco FAX Bob Desista, his boss, the chief of the project management department, and get a response for the record. Mr. Kozuchowski said that he understood that the rules do not prohibit the EIC Board Members from acting independently, that is, you don't need the Army Corps of Engineers permission to come before the EIC. Jim Rotondo said he understood that the Planning Dept. goes to the DEP. Mr. Poppe volunteered that this is not an Army Corps of Engineers wetland, it's an upper dry meadow. Poppe said this does not need an Army Corps of Engineers permit. Joe Coco said the river is a navigable waterway, and the Army Corps of Engineers has the right to regulate it. Mr. Sean Hayden would be happy to address this EIC panel, if requested, Coco said. Margaret Mitchell next came forward & identified herself. She said that she, too, had talked to the Army Corps of Engineers, and their opinion was that it had to come to them. Any filling has to go to the Army Corps of Engineers, plus this is formerly farmland. Ms. Mitchell said that the electrical service box that's in the meadow is in the floodway. Atty. Mazzucco had said that Stew's would remove it. Ms. Mitchell said that it was installed on a one-day permit in 1997, and is in violation of Section 305-3 of the National Electric Code. Paul Murphy, City of

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Danbury Electrical Inspector, will go there to see that it's removed. Ms. Mitchell brought two handouts for the panel. The first is the 1/20/04 letter to the editor of The News Times regarding the death of Officer Robert J. Keating in the flood in 1955. He was swept away; he died while rescuing victims of the raging torrent. The second handout was a download regarding safety hazards in floods, drowning, electrocution, and buoyancy of cars in water. Mr. Reed Mitchell next identified himself, and said he was glad the people here noted the additional parking garages that exist in Danbury. He recalled that, in Fort Collins, Colorado, the grocery store has an underground parking garage with elevators that "is working well". Mr. Mitchell read in the old Stew Leonard's reports today that they had chosen this site in Connecticut for their store because the "land is so cheap", even when we figure in the unusable land, Mitchell said. Mr. Mitchell next submitted his letter into the record, and read it. He said that Ward Mazzucco had said that the opposition has submitted "no expert testimony" to support their viewpoint. Mitchell said, over the years he has come and spoken before the Planning, Zoning, ZBA and EIC, and it is almost always the same. The applicant has a group of paid experts, which he calls hired guns. They present the case. The opponent only has their personal experiences and an emotional appeal to be believed, Mr. Mitchell said. He then discussed the three reports he'd found by Leonard Jackson, two of which showed different numbers for floodwater surface elevation, and how deep the water in the parking lot would be in a ten-year flood, a fifty-year flood, and a 100-year flood. Mitchell said his dad and his granddad were both lawyers, and he remembered his father saying, "You can't make a dishonest man honest with a contract." Joseph Coco came back to the microphone and said he advised all to read those reports from 2000 about the grass and gravel pavers. Mr. Coco distributed maps he'd brought of Danbury and Brookfield, stating that the red line indicates the property boundary as Stew's considers it. He said we drew the green line to indicate where the State of Connecticut views the boundary to be along the Still r. Prazeres asked him to show us on the SP-2 map, which Coco did. Mr. Kozuchowski said the precedence is the quality of the survey. Who has an A-2 survey map, Kozuchowski asked. Ward Mazzucco said there is "a short answer": we submitted an A-2 survey map; nor can Mr. Coco define property lines. Mr. Coco said that a company called ArchiStructure did the lines. Mr. Mazzucco asked him were these lines done by a registered land surveyor, "yes or no"? Mr. Coco answered that the State drew the red line. No survey was done by me or by ArchiStructure, Coco said. The survey was done by the State of Connecticut.

Ms. Lynn Waller approached the dais, and identified herself and address. She said if boats are proposed, this river must be navigable water. The parking garage might obstruct the view of the store, she'd heard Mr. Rotondo say. But Stew Leonard's cut the trees down along the river, so folks on the highway could view the store. Ms. Waller asked why must they abuse wetlands so people can see their store? She noted that Lazy-Boy Furniture had relocated to a hilltop where they are not visible. But shoppers will find their store, Ms. Waller said. She said she wished that the City of Danbury would hire independent consultants, and therefore get unbiased reports and opinions. Mr. Chianese said we can hire independent consultants. Mary Reynolds came forward, and identified herself. She said the applicant is "killing habitat, killing animals" and their only reason is greed. She asked, "Don't let them have this. Don't hurt the animals again."

Chairman Chianese asked three times if there were any member of the Public who wished to speak for, or against, this application, at 8:35 pm. Keep in mind we could close this Public Hearing tonight, Ben said; there has to be a reason why we continue the Public Hearing. Jack Kozuchowski said, if the Army Corps of Engineers needs an application, that does not preclude you from acting. I don't think they need an application, based on the soils. You have an independent jurisdiction over this application, and the Army Corps of Engineers has an

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independent jurisdiction over this application, Kozuchowski said. I'm concerned about precedents for the future. Ben Chianese said we've closed the Public comment portion of the Public Hearing. Atty. Joseph Coco said he takes exception to that, based on new evidence just presented by Jack Kozuchowski. The Public should have the right to comment. Bill Mills asked Matthew Poppe if the gravel is sufficient to hold fire and emergency apparatus. Poppe said we can add to it for extra support. Mr. Mills said he'd like to see the plan with only one entrance. Did you prepare a new plan?, he asked. Mr. Poppe said to look at Alternative #3 (ALT-3 dated 2/3/04), and he held it up. Mr. Mills asked why two entrances are necessary, citing a safety concern. Mr. Rotondo explained the grade problem with one central driveway: "It really doesn't work for us". Mr. Westney asked if Mr. Mills' question relates to wetland impact, to soils, or to safety. Mr. Mills asked how big is the bird blind. Mr. Rotondo answered about 6 ft. tall by 4 ft. to 5 ft. wide. There are no dimensions for that on the plan. Mr. Mills asked to just have one Fall mowing, none in the Spring. Matt Poppe said we can "cut the whole thing in the Fall". Mr. Mills then asked Jack Kozuchowski what they will do to clean up the Still River, and Jack referred him to their narrative. They will remove litter, plus the plantings count as mitigation, Jack said. Mr. Mills wants the Army Corps of Engineers called in, not because of the boundary issue, but because of the flood plain issue. Mr. Kozuchowski said there are two concerns the Army Corps of Engineers looks at; we can ask the Army Corps of Engineers for a general answer before the next meeting, unless the applicant has already contacted them, "just to put the issue to rest". Kevin B. Russell said that he understood that the soils are not "high" in function, but legally are regulated wetlands. Jack Kozuchowski said they are not "hydric in function"; not a hydric regime. He said the Army Corps of Engineers has a different definition of wetland soils. The City of Danbury has adopted the State of Connecticut's definition. Mr. Mills said can we ask Sean Hayden for some input. Jack said, "Yes. I know Sean". Kevin B. Russell said he wants to revisit the parking deck analysis presented by Mr. Rotondo: why is the deck discussion limited to the South side location? Mr. Rotondo answered that you will be presented with a new set of problems in that area, and reviewed the number of spaces, height and sq. footage of a parking deck. Mr. Chianese, Mr. Russell and Mr. Rotondo discussed factors involved in a parking deck. Jack Kozuchowski left the meeting at 9 pm. At 9:01 pm, Mr. Lees made a motion to **continue** the Public Hearing to 3/10/04 EIC meeting. Mr. Mills seconded the motion. Mr. Lees said the reason to continue it is to hear those people in the galleries who wanted to speak more tonight. Mr. Prazeres said Jack Kozuchowski will get the Army Corps of Engineers' opinion. Bruce Lees, Bill Mills, Craig Westney and Kevin B. Russell voted to continue the Public Hearing. Keith Prazeres and Benjamin Chianese were opposed to continuing the Public Hearing. The vote was four to two, "so it's **continued**", Mr. Chianese said. Mr. Mills motioned for a five-minute recess. Mr. Lees seconded the motion and it carried unanimously.

### **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 Extension ltr.rec'd. 2/11/04.*

First 65 Days 2/12/04, Second 65 Days 4/17/04. *Revisions rec'd. 2/10/04.* Mr. Chianese reconvened the meeting at 9:15 pm, and introduced the Garner Resubdivision. Michael

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Mazzucco, Civil Engineer, identified himself and his address. He said he'd sent Scott LeRoy a letter on 2/11/04. We withdrew the application from Planning, so you'll see a new name, he said, "Garner Lots". He explained why, citing the lot line revision, so the maps were re-titled. A Conservation Easement was added, the swale will be cleaned, and they've added a silt fence, Mazzucco said. Mr. Mills asked where is the flood plain here, as mentioned by Henry Moeller. Michael Mazzucco said there's a wetland all along the back border. Mr. LeRoy explained to Mr. Mills that each stream has a small flood plain. Mr. Mills asked about the Conservation Easement. Mr. LeRoy said he does not yet have a map showing the Conservation Easement. Michael Mazzucco said it is described here on this map. Mr. Mills said the proposed dwelling #1 shows an old paved drive. Mr. Mazzucco said currently the driveway is shared, and once it gets back there, it opens up. Mr. Mills asked if this has City services, and Mr. Mazzucco responded. Mr. Westney had a question on the grade and retaining wall. Mike Mazzucco said there is a 3 ft. tall retaining wall proposed. (Tape #3, side A inserted). Scott LeRoy said that 70% to 75% of the property will have a Conservation Easement. Scott said he will have a report for the 3/10/04 meeting. Mr. Lees made a motion to **table** this application. Mr. Mills seconded the motion, and it carried unanimously at 9:27 pm.

**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. Ben Chianese stepped down from the panel, leaving Kevin B. Russell, Vice-Chairman, to preside over this issue. Attorney David Grogins spoke on behalf of the applicant at 9:28 pm. He said that Jodie Chase, Ecologist, is here tonight, and will discuss the debris and the degree of any pollution from the debris. Jodie Chase took the microphone, talking about the likelihood of rare or endangered species on the property. Over 70 years ago, there may have been Bog Turtles here in the 1930's. She discussed the habitat they have versus what Bog Turtles need, which is sun and wet meadow. Mr. Lees had a question on fencing, if there were any migration across the road. Scott LeRoy requested that his comments go through the EIC Commission: "I think there's some alternative coming" (see LeRoy's 2/25/04 memo to the EIC). Mr. Mazzucco said he'd spoken to Vortechincs and Scott LeRoy today about two options available. It is a new product; we originally had three grass swales, he said. To provide more of a buffer there, a planted wetland basin will provide a buffer, and Michael Mazzucco discussed alternatives. We're trying to clean up and remove the "dump" down there; maybe raise the grade up higher. Mr. Mills asked if there are wetlands back there. Mr. LeRoy said if you don't have the space for a swale, you are going to have to design something; "I haven't seen the revised proposals". Mr. Mazzucco said the Vortechnic units are on-line. He said they had a similar problem next door when the neighbors developed their property; we had a meeting with the neighbors to discuss the grading rights. Dave Grogins said the neighbors "were very positive about that"; they will arrange some sort of easement for sloping and grading. Mike Mazzucco said Vortechincs just got back to me today. Mr. Westney asked if this site is possibly okay for a "rain garden". Mr. LeRoy said some sort of wetland creation or enhancement to the buffer area should be included. Mr. Mazzucco described his intentions. Mr. LeRoy asked if the detention basin can be placed underground. Mr. Mazzucco said possibly. He submitted a letter of extension to the Commission, dated 2/25/04. Mr. Lees made a motion to **table** this item. Mr. Mills seconded the motion. It carried unanimously at 9:44 pm.

**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. Chianese resumed his seat on the panel, and introduced application # 539. He said we did the site walk on Monday 2/23 (Chianese, LeRoy, Mills, Westney, Lee, Lucera). Attorney Paul Jaber spoke on behalf of the applicant, reminding the panel that this is a 10,000 sq.ft. building, two floors at 5000 sq.ft. per floor. Jodie Chase, John Block and Tony Lucera are here tonight. Tony Lucera introduced himself and Jodie Chase, who then took the dais. She discussed the request for a change to the runoff discharge, and submitted and read her letter of 2/25/04: "...we do not believe disturbance of this wetland through plantings or other stormwater management means will yield additional water quality renovation worth such a disturbance". But if the EIC Commission prefers, they can design something. In answer to Bill Mills, Tony Lucera described the swale location. He said Jodi is addressing this lower area, way to the East of the building. "As I explained out in the field", he described where the water goes, in response to Mr. Mills. Mr. Lucera wants to enhance this area, and alleviate the ponding. Mr. Mills said, "That's a good idea." Mr. LeRoy addressed Ms. Chase's letter, that there is no stormwater treatment now; "it's meant for conveyance". It has to do with the overall treatment of the site's water. Mr. Lucera said he had Jodie Chase take two looks at it, and we now have Mr. LeRoy's opinion. Mr. Mills asked John Block questions on the grading and utility plan, which John brought over to him; they discussed the drains and galleys. Mr. Lucera said we will get the requested revisions to you. Ms. Chase asked the Board Members, "Do you understand what you're getting?" The area we are disturbing is stable, not an erosive channel. John Block described the small area we can mitigate. Mr. LeRoy said we have to improve the site. Ms. Chase said she didn't know what he's asking them to do. Mr. LeRoy said to improve the swale, and improve the stormwater treatment and capture. Mr. Lucera said, because there is no real drainage system in place now, can we slow the water down as it goes through the swales? Mr. LeRoy said we have to do something with these swales. They are just for conveyance. Does the Commission want to improve those or leave them as is, Scott asked. Mr. Lucera, Block and Westney said to consider how to improve the water that runs through that swale via detention. Mr. LeRoy said he'd rather see it on this plan. Mr. Westney suggested adding some simple stone detention areas. Mr. Lucera said we'll draw it out and get it to you in a few days. Mr. Chianese said we just can't piecemeal it. Mr. Lucera said that Urology Associates will come in on Maple Row. On the next project, we'll propose improving the swale for future proposals. There are 22 projects in the scheme of The Reserve. Atty. Jaber, Scott LeRoy and Tony Lucera all agreed. Mr. Westney made a motion to **table** this to 3/10/04. Mr. Lees seconded the motion, and it carried unanimously without further discussion.

**Eagle Road Center, LLC**

**Regulated Activity # 504R**

**Eagle Road Shopping Center**    Assessors Lot # L09028, L10018, L10019, L10020, L10021, L10022, L10024, L10025. Date of Receipt: 2/11/04. *Best Buy, Loews, Lowe's - Revisions.* First 65 Days: 4/16/04. Second 65 Days: 6/20/04. Attorney Paul Jaber asked to

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please continue this to 3/11/04, as Jeanne Williamson is on vacation. Mr. Lees made a motion to **table** this. Mr. Mills seconded the motion, and it carried unanimously.

**NEW BUSINESS:**

**78 Federal Road**

**Regulated Activity # 530R**

**Nextel Communications / Best Inn**

Assessors Lot # L09025

Date of Receipt: 2/25/04

*Revision - Concrete pad & door shifted*

First 65 Days: 4/30/04. Second 65 Days: 7/4/04. Scott LeRoy suggested that this be **moved to Administrative Approval**. Mr. Russell motioned to move #530R to Administrative Approval. Mr. Westney seconded the motion, and it carried unanimously.

**11 Laurel Street**

**Regulated Activity # 541**

**Robert T. Riley**

Assessors Lot # G 14277

Date of Receipt: 2/25/04

*Administrative Approval Requested.*

First 65 Days: 4/30/04. Second 65 Days: 7/4/04. Mr. LeRoy reminded the Board Members of the history of this site and the willow tree stump. "I advised him to get a permit in the Winter, and to plant in the Summer". He described how Mr. Riley came to fill out a permit. Scott suggested this be kept as Administrative Approval. After a brief discussion, Mr. Lees motioned to **move #541 to Administrative Approval**. Mr. Mills seconded the motion and it carried unanimously.

**17 Aspen Way**

**Regulated Activity # 540**

**Brookbury Estates Lot 35**

Assessors Lot # L 04006

Date of Receipt: 2/25/04.

*Cosmo Mazza*

First 65 Days: 4/30/04. Second 65 Days: 7/4/04. Engineer Steve Sullivan, P.E., from CCA, LLC of Brookfield, CT, spoke on behalf of the applicant at 10:18 pm, and displayed their map. A three-bedroom house is proposed with septic and well, a proposed plunge pool to dissipate any energy from the stormwater. A drainage easement and a right to drain shall be put on the Danbury land records. He handed out a letter from the State Dept. of Health approving the septic system. Mr. Lees asked where's the wetland line. Mr. Sullivan said the stonewall. Mr. Russell asked where is Aspen Way. Mr. Sullivan said you must access it from Brookfield, but it's in Danbury. Scott LeRoy took the dais. He said he'd done a brief site walk, and there's still a lot of ice and snow. "A lot of water runs through there". Mr. LeRoy recommended it be considered a watercourse, and therefore recalculate the fee. "Get Steve Danzer out there". It looks like the stone wall was put there and they filled to it. We need to find the best way to remediate this, and the wetlands need reflagging. Water just finds the easiest route. Mr. LeRoy said he is going to ask the increase the State's recommendation for non-free draining material at least 25 ft. away from the septic system. There may be base water, Scott said. Mr. Cosmo Mazza spoke up from the audience: "I want to point out the Town dumped the water on the property", a watercourse,

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ditch, whatever you want to call it. Mr. Sullivan said the watercourse comes from the road runoff. Mr. LeRoy said, "It's Roy Shook", who has made errors before. Mr. Lees motioned to **table** #540 to the 3/10/04 meeting. Mr. Mills had a question on footing drains to the house. Mr. Russell seconded the motion, and it carried unanimously.

**33-41 Starr Road**

**Regulated Activity # 542**

**Sandpit Road LLC**

Assessors Lot # K10012 & K 10013

Date of Receipt: 2/25/04. *Industrial Condominium Units*. First 65 Days: 4/30/04. Second 65 Days: 7/4/04. Dainius Virbickas, P.E. took the dais at 10:30 pm, and identified himself. He said the owner has had this site "for ages and ages", and it was last used as a used car parking lot. He displayed the grading & utility plan, dated 2/4/04, on the easel. The property was EIC approved in 1992 for a gravel parking area, with the intention of paving it one day. The proposal is for two buildings to house industrial condominiums, businesses such as plumbers, carpet layers, tile guys, small, for a person starting up a business. The total will be about 13,000 sq.ft. He said they propose to maintain a stormwater treatment plant, pipe the roof drains, disturbing the wetlands due to grading to flatten out the site. He said there was difficulty making the numbers work as they had for other applications, so he had to increase the infiltration systems. A 6-inch discharge pipe goes into the wetlands. He discussed the parking, shaping the existing gravel area, raising the gravel parking area about a foot where it's washed down the embankments, and then planting with grass. Mr. Chianese asked the distance from the building to the wetlands. Dainius Virbickas said about ten feet. The parking plan was recently approved by staff for paving, he said, last year. Scott LeRoy said it was on the agenda last year, and he discussed the dumping area, the couch, the A/c unit, the tires, the snow dumping area. Mr. LeRoy said it was all wetland before they filled it, probably once a swamp. Dainius Virbickas said he could get the actual depth. Mr. Mills, Chianese, Lees said they will want to see a fence, a barrier, and a dense planting plan. Keith Prazeres asked if there was a possibility of extending the wetland, and Mr. Virbickas said "possibly". He can investigate it. Scott LeRoy said that dense planting can prevent garbage from blowing into the wetland. A planting plan can be made a condition. Mr. Westney and Mr. Lees asked where will the refuse area be, the dumpster. Mr. Virbickas said on the eastern portion of the rear-most building, approximately 34 ft. from the wetland. This is an industrial zone. No loading docks are proposed, just emergency exits in back with concrete landings. Mr. LeRoy said, "It's a dumping ground", and a chain link fence is needed. Mr. Virbickas described the history of the ZBA proposals. Mr. Chianese asked if grass was planted there, would it be mowed? Mr. Lees, Virbickas, Westney, Prazeres offered comments, and Mr. Lees asked for a "No Dumping" sign back there. Mr. Chianese asked if there will be a condominium association, and Mr. Virbickas said he believed so. There will be one handicapped parking spot. Mr. LeRoy said there will be no drains in the bays, and no hazardous materials or enterprises. Mr. Virbickas said there will be sanitary sewer and water available. Scott LeRoy said his issue is condominiums for industrial use, versus a paved parking lot. Mr. Prazeres said, "I'm sure it will be monitored". Mr. Virbickas said he may be able to redesign to get this to 15 ft. from the wetlands. Mr. LeRoy asked for no storage out of the back doors or outside of the buildings. Make that a condition of approval. Mr. Prazeres asked if this is similar to the Gray's Bridge site, and Dainius Virbickas said "yes, smaller". The condominium association will be the owner of the site. Scott said to jot down any conditions you'd like to see, stipulations, Conservation Easements. Mr. Westney said he'd like to stipulate that we want a plan revision. Mr. Westney made a motion to **table** at 11 pm. Mr. Prazeres

seconded the motion, and it carried unanimously.

**APPLICATIONS FOR ADMINISTRATIVE APPROVAL:**

**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. **No action taken.**

**77 – 83 Mill Plain Road**

**Regulated Activity # 537**

**Shurgard Storage Centers, Inc.**

Assessors Lot # D14032

Date of Receipt: 12/10/03. *Ext. letter rec’d. 2/5/04. Mitigation Planting Plan rec’d. 2/20/04.*

First 65 Days 2/12/04. Second 65 Days 4/17/04. **No action taken.**

**ADMINISTRATIVE STAFF ACTIONS:**

Mr. Chianese suggested that the next meeting start at 7 pm, if that’s okay. Mr. Russell said he has a 5 pm class, but that’s okay. Chairman Chianese said, start the Public Hearing at 7 pm, and notice it for 7 pm for 3/10/04. He said if we close the Public Hearing for Stew Leonard's on 3/10/04, we have until 4/14/04 to make a decision, that is, the first meeting in April.

**ADJOURNMENT:** Mr. Mills made a motion to adjourn at 11:10 pm. Mr. Westney seconded the motion and it carried unanimously.

Respectfully submitted,

Patricia Lee, Secretary