



**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

ENVIRONMENTAL IMPACT COMMISSION  
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**MINUTES**

**March 10, 2004**

**DEIC**

**Common Council Chambers**

**Next regularly scheduled meeting date 3/24/04 at 6 pm.**

The meeting opened at 7:07 pm, with Chairman Benjamin Chianese presiding. He asked the Board Members to identify themselves for the record, which they did.

*Members Present:* Benjamin Chianese, Bruce R. Lees (7:15 pm), Kevin Russell, William J. Mills, Thomas Pinkham, Jr., Keith Prazeres

*Members Absent:* Craig Westney

*Staff Present:* Jack Kozuchowski (7:30 pm), Coordinator of Environmental and Occupational Health Services, Scott LeRoy, Senior Inspector, Environmental Health Services, and Patricia Lee, Secretary

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

Thomas Pinkham, Jr. made a motion to accept tonight's agenda as complete. Mr. Mills seconded the motion, and it carried unanimously. Mr. Keith Prazeres made a motion to accept and approve the minutes for the 2/11/04 and 2/25/04 EIC meetings, as they had been e-mailed to each Commission Member. Mr. Pinkham seconded the motion, and it carried unanimously.

Schedule workshop meeting for regulations update. Mr. Bill Mills motioned to move this item to the end of tonight's meeting. Keith Prazeres seconded the motion, and it carried unanimously.

**CORRESPONDENCE:**

Letter from William J. Mills dated 3/10/04 to Mayor Mark Boughton re: funding for EIC training seminar. Litchfield 3/23/04 Training Seminar, "What's Legally Required?", 5-9 pm. Mr. Mills has spoken to Mayor Boughton, and sent him a letter today requesting funding for Commission Members to attend this seminar. Scott LeRoy said we have to go through the motions to see if the City of Danbury will pay for this.

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**CACIWC requests support for SB 445, An Act Concerning the Jurisdiction of Municipal Inland Wetlands Commissions, to amend Connecticut's Inland Wetlands & Watercourses Act to restore and clarify the authority of IWW agencies and its definitions.** This was introduced by Scott LeRoy. Thomas Pinkham, Jr., strongly suggested that the Board Members support CACIWC's efforts, since the commissions were combined in New York State with "horrendous" outcomes. Chairman Chianese said we will discuss this more at our workshop. Mr. LeRoy encouraged every member to voice their opinion.

**EIC ADMINISTRATION (CONTINUED):**

O & G Tank Violation follow-up. Jack Kozuchowski joined the meeting at 7:10 pm. He took the microphone, saying that O & G will remove the tank. Ken Faroni is here tonight. Mr. Faroni took the dais, and identified himself and O & G. He said they had looked at two options: (A) elevate it, an "extremely uphill battle", or (B) relocate the tank, which is what they've decided to do. The site is eleven and a half acres, all in the flood plain. Faroni said we have not refilled the diesel 10,000-gallon fuel tank, and we are not ordering any more fuel. We want the tank as low as possible when we relocate it. He showed the "Existing Conditions" map, with blue, orange and green indicators. In December of 1998, Mr. Faroni said, we had to get all underground tanks out, so we have this one tank in the flood plain. We are negotiating with the Engineering Dept. about a 5 ft. whopper sewer interceptor. The City wants to move this sewer interceptor. The tank will have a 40 ft. by 10 ft. by 1-foot concrete slab. We will relocate it after two weeks site work, Mr. Faroni said. Then, by April 1<sup>st</sup>, we'll know where to put it, depending on the City's placement of the sewer interceptor. Mr. Chianese said, "You're asking us to give you until April 1<sup>st</sup>?" and Mr. Faroni's answer was "yes". Mr. Mills said that O & G applied previously to the EIC, but you didn't put the tank at the approved site. Mr. Faroni answered that EIC gave its approval in 3/98 for the location where the underground tanks used to be, all in one welded unit. But the powers-that-be decided it just wouldn't work, Faroni said. Someone else in the organization decided to put that tank where it is now. We have a lot of truck action; turning movement, cement trucks, along side of the plank. It's a very "active site", Mr. Faroni said. Mr. Mills asked, "Then you'll come back for Environmental Impact Commission approval?" Mr. Faroni said, "It's not an easy site". Jack Kozuchowski said he was familiar with the site, and the issue is putting a fuel tank in a flood way. Move it to a flood plain, a more acceptable location. Mr. Kozuchowski said, "My opinion is yes", Jack recommends Administrative Approval. Mr. Mills said he is just curious as to why it's taking this long, why engineering wasn't called sooner? Mr. Faroni answered that O & G was not dragging its feet. Their consultant was trying to work this out. They had to move their utilities, Fuss & O'Neill needed one to two weeks design time, then time to deplete the amount of fuel in the tank. Mr. Mills said depleting the fuel, that's understandable. Mr. Faroni said they have been negotiating with their engineering people; can we put it 30 feet outside of the easement? We must presume that the septic interceptor will be in the middle of the easement, Ken said. Mr. Mills asked, "When?" Mr. Faroni answered, if you said March 25<sup>th</sup>, or March 30<sup>th</sup>, then we will get it out by then. We are asking for April 1<sup>st</sup>; if the possibility exists that we can do it in one motion, that's what we'd like. Thomas Pinkham seconded the motion. Ben Chianese asked if there was any further discussion. Ben said he'd like to add that it *must* be moved by April 1<sup>st</sup>. The motion carried unanimously at 7:45 pm.

**OLD BUSINESS:**

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**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. 3/5/04.*

First 65 Days: 3/12/04. Second 65 Days: 5/16/04. *See S. LeRoy's 3/10/04 Report.* Scott LeRoy introduced Anthony Lucera at 7:16 pm, who presented the Board with a sewer map and a perimeter map of the area of this proposed office building. Lucera said everything else is status quo. Mr. LeRoy said he'd wanted a survey, and they sent an overall map of the entire project, but that didn't address the soil issues, as he'd requested in October or November. Mr. Lucera said he'd spoken to Paul Fagan, Jr., and they will be ready to have Cynthia Rabinowitz sign off on it. Mr. LeRoy said we will get a new soil map shortly. Mr. Mills said, "What about the bog?" Mr. LeRoy answered that our Ph.D. went out and found it. The bog is not in this application, LeRoy said, but "you guys can request a site walk", or get it on an agenda as a pre-application. I clarified everything; I did the report, and I will go through my report, Mr. LeRoy said. He summarized the application for 0.716 acres, 10,640 sq.ft. He listed the criteria used for determining the potential for lowering the functional value of the wetland, starting with Ecological Integrity. Next, Wildlife Habitat, which would benefit from the planting of evergreens at the base of the concrete retaining wall. Not only would this provide an obvious physical barrier, but it would also offer wildlife year-round cover and protection during the winter. Flood Retention, Nutrient/Sediment Trapping, and Other Factors For Determining Significant Activity, discussion followed by Scott LeRoy. He said he did not think there's any rare, threatened or endangered species here, and this issue is being reviewed with every application for this project. In his General Comments, Scott said there is to be no construction occurring within the wetlands areas. The proposed sewer extension is within the regulated areas, but not within wetland areas. Mr. LeRoy's Recommendation is for a Summary Ruling (page 4 of his report), with eleven Conditions of Approval. He said to read especially Condition #10, a Wildlife Habitat Enhancement Plan shall be prepared by the environmental consultant and reviewed and approved by the Health Department prior to the issuance of a grading permit. Mr. Chianese asked if there were any questions for Mr. LeRoy. Bruce Lees made a motion to accept the application EIC 539 as complete. Mr. Mills seconded the motion. Being no further discussion, the motion carried unanimously. Mr. Lees made a motion to **approve** by Summary Ruling, subject to eleven Conditions of Approval, as stated in the Determination of Project Impact report. William Mills seconded the motion, and it carried unanimously at 7:26 pm.

**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, 2/25/04.*

First 35 Days of Public Hearing: 1/14/04.    Extension 65 Days: 3/19/04. Final Meeting Date: **3/10/04**. Decision must be rendered within 35 days after close of Public Hearing. Chairman Chianese read the Legal Notice into the record, and said, as a housekeeping issue, that this is the final meeting; it must close this evening. Chianese said we'll have the staff speak first, then the applicant will have half an hour, the public will have half an hour, then the applicant will have half an hour for closing arguments. Jack Kozuchowski came to the microphone at 7:47 pm. He said the only remaining question is the Army Corps of Engineers. Mr. Kozuchowski said he had FAXed Steve Dilorenzo, then that went to Paul Minkin. And he had spoken to Sean Hayden of the Northwest Conservation District. The response is from Paul Minkin. Jack Kozuchowski

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read his letter to Mr. Dilorenzo into the record, wherein he asked for clarification of legal jurisdiction, the accuracy of Steve Dilorenzo's comments, and his own understanding of them. Next, Mr. Kozuchowski read the response letter from, Paul Minkin, Senior Wetland Scientist at the Regulatory Division, New England District office of the Army Corps of Engineers, dated 3/8/04. Mr. Minkin's letter stated that, without maps, he does not make absolute decisions or statements on jurisdiction. The letter said that federal jurisdiction, state agencies and local agencies are generally not dependent on each other. The letter clarified Mr. Kozuchowski's understanding of the Corps program: "The Corps operates independently of most state and local requirements". Jack Kozuchowski summarized, stating this is a long-winded question with a long-winded answer. He enumerated the three criteria: (1) jurisdictional wetlands require the positive presence of soils, hydrology, and vegetation, except in the situations noted in Mr. Minkin's letter; (2) Clean Water Act. S.404 regulates discharges of fill material in waters of the U.S. – this could include placement of gravel for parking if placed in jurisdictional areas; (3) the Corps operates independently of most state and local requirements. The Corps 404 permits generally must receive state water quality certifications to be valid. The Army Corps of Engineers (ACOE) does also regulate the ordinary high water (OHW). This area on the Still River falls outside of Army Corps of Engineers jurisdiction. Jack said, "I've reviewed it and I agree with it." This fails probably in all areas of the criteria. Benjamin Chianese asked if there were any questions for Mr. Kozuchowski, and there were none. The Chairman then asked the applicant to come to the podium. Matthew J. Popp took the mic at 7:58 pm, identified himself, I agree with Jack". He read his letter into the record, which elaborated on the ACOE wetlands criteria: areas which exhibit the presence of hydrophytic vegetation, hydric soils AND wetland hydrology; this dry meadow does not qualify as a federal wetland regulated by ACOE. Mr. Jim Rotondo took the microphone at 7:59 pm, identified himself and business, and presented the A-2 Survey (Exhibit #3) to the Board Members. He said we use this survey as the basis for our site plan. Attorney Ward Mazzucco came to the dais and identified himself. Atty. Mazzucco said, if there are no further questions, "we're ready to rest". Chairman Chianese turned the hearing over to the Public. Attorney Joseph Coco took the podium, and gave his name and address. He said that two items have been removed from the regulations, so you can no longer take into consideration the recreational and educational components. Next, regarding the parking structure, he said the applicant found it not feasible due to its cost and traffic and sight lines. Why not put the parking on top of the proposed buildings, Coco suggested. People could park on the roof. Atty. Coco next handed out a blue folder, which he said contained a compilation of documents "that I've put together over the last several months" (Exhibit #4). He said we need to know which report each responds to, for example, if the applicant had taken out a component. Mr. Coco said, by removing the top layer of soil for the grass paver, does it take the land out of EIC jurisdiction, and, if so, will EIC lose control over how this site may be treated? Mr. Coco said the Army Corps of Engineers did not want to approve of this initially, so it was scaled back from 4.1 acres to 3.2 acres by Stew Leonard's. Mr. Coco said he's seen the letters and e-mails sent to and from Jack Kozuchowski. He read his own Army Corps of Engineers correspondence into the record (see items 1 in blue folder, Exhibit #4). He read the e-mail from Susan Lee at the Army Corps of Engineers, dated 3/10/04, into the record (item 9, Exhibit #4), which Atty. Coco said indicates that the ACOE *does* have jurisdiction here. Mr. Coco said, lastly, he'd like to summarize, since we have "talked a lot". He reviewed the Stew Leonard's history of parking requests, denials in 2000 and 2001. Why is this application different from those two, he asked? Mr. Kozuchowski responded that (1) the 1988 application has nothing to do with this application, and (2) to put the issue to rest, the ACOE *does not* require the DEIC to wait for their decision. Mr. 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, Attorney, identified himself and his address, as he took the podium at 8:15 pm. He began, "We've heard a lot about this application", and he will read to the audience some comments. The sediment, filtration, multi-faceted means of filtration, pollutant-loading functions will be lost. This is from a 1/93 Mark Massoud report regarding a nearly identical project in this floodplain. Mr. Saadi read a "small excerpt" from a 2/10/04 report done by Jack Kozuchowski, to highlight "what your own staff has said of this site" over the last decade. The discussion about the old bond being released was inaccurate because "I sat on the Environmental Impact Commission at that time". That bond was released because the EIC thought the conditions had been met, but that turned out not to be true, Saadi said. He read Dr. McNamara's findings of 5/12/93 and 5/26/93, which indicated that the plantings had not been done as per plan. He quoted some phrases from these, such as "since disappeared", "it was neglected", "it also wasn't planted". Saadi said the EIC Commission was very upset. Atty. Saadi said, "Again, that's history, but I wanted to set the record straight". The Savings Bank of Danbury also has a parking garage, he added. The Army Corps of Engineers issue has been adequately addressed, "but I believe the project is subject to their jurisdiction", if the ACOE knew the extent of the project. Regarding the feasible and prudent nature of the proposal, "expensive" and a "disruption" does not mean an alternative is not feasible and prudent. Saadi said the "squeeze" for the project is the creation of the business itself. The Environmental Impact Commission is the custodian of these wetlands. This proposal will have a significant impact on this wetland, and will set a precedent, Atty. Saadi said. "You have the record before you", Mr. Saadi concluded. Chairman Chianese asked if there were any questions for Mr. Saadi, and there were none. Next, Mr. Joel Urice of 44 Olympic Drive took the dais. He is a member of the Common Council for the Sixth Ward, but he speaks tonight as a private citizen, he said. His first topic is the accuracy of the reports. The flow velocity of the Still River on a nice, sunny day is not the same as in a storm event, when a "flash flood" occurs. Ask the Toyota guys, Urice said. Next, he talked about authority: "I'm no authority", Mr. Urice said, but if the "sniff test" applied then, it applies now. Thirdly, Joel Urice discussed the business planning process, and he said he has had experience in these processes, the return of performance. (Tape #1 B replaced by Tape #2). Mr. Urice said that Stew Leonard's should have known if they were going to need more parking, and need to cut into those wetlands. It shows an "absence of basic economic planning" and numerous deficiencies. In it's current state, he asked that this proposal be denied. Next, Lynn Waller took the mic at 8:31 pm, and identified herself and address. She reminded the Commission of the videotape she showed on the 1<sup>st</sup> night of this Public Hearing. Ms. Waller said if Stews is permitted to store fertilizer in those parking spaces, some of that stuff will end up down in that site and in the Still River. She thanked the Commission Members. Mr. Chianese asked if there were any members of the public in favor, or Mary Reynolds came forward and identified herself. Ms. Reynolds said, "I really hate to bother you", and that she is glad we have such a Commission. She hopes the Commission will consider a few things she has said. The creatures, just like ourselves, when we lose our homes, "we feel terrible". Matthew Poppe, again, took the podium, and asked the opposition if they had looked at the Army Corps of Engineers manuals. These are non-hydric soils, not ACOE wetlands, according to the ACOE manuals. Atty. Ward Mazzucco said he would like to "wrap up", unless there are further questions or comments. Mr. Mills said he had questions, buy maybe Ward would answer them when he summarizes. Mr. Mazzucco said the blue booklet submitted by Joseph Coco (Exhibit #4) is a series of documents with portions obliterated, whited out. "I won't waste your time" with the rest of the booklet, Mazzucco said. "Credible evidence is complete evidence". Regarding the history of the bond, we gave you all the documentation a couple of meetings ago. "At the end of the day", everything was addressed to this Commission's

satisfaction. There are two points Atty Mazzucco mentioned in answer to the opposition: (1) the Army Corps of Engineers did not say what was attributed to their jurisdiction, and (2) our A-2 survey here tonight shows the accurate boundaries, Atty. Mazzucco continued. Concerning the parking deck alternative, a deck would be 15 times the cost of the proposed parking area, and that is why there are “only a handful” of parking garages in the City of Danbury, Ward Mazzucco said. He explained the “totally different scenario” at the Norwalk site, where Stew Leonard's has built a parking deck. He reiterated that the extraordinary sales growth by Stew's “could not have been foreseen” in the late 80's, and it was an extraordinary achievement. Atty. Mazzucco said, should the Environmental Impact Commission look solely at the environmental issues? It's a question of balance, “as I said early on, an orderly process”. The CG-20 Zone is the most intense commercial zone in the City of Danbury, and this lies between Danbury's two busiest roads, I-84 and Route #7, Mazzucco contended. It is an area of intense business development, therefore the parking demands are so high. Ward revisited the chart about parking, previously submitted, and restated the numbers from that chart. Mazzucco cited the 10/5/99 letter regarding the expected demand for parking. Mr. Mills asked him to repeat this. Mr. Chianese asked did that include parking for the two proposed new buildings. Mr. Mazzucco said there was a difference by a “handful of spaces”, since it was based on a different site plan. Mazzucco said all previous applications should be considered as alternatives to this proposal before you. Mr. Mazzucco asked for Exhibit #C from the 12/10/03 meeting, and he read from the old minutes, page 2, showing where Thomas Saadi has abstained from voting on the Stew Leonard's issue when he served on the EIC. Bruce Lees asked, if you got approved before, why didn't you go forward then? It expired, Mr. Lees asked? Mr. Mazzucco said that the business took off after that, but the approval had expired. He restated the history of 1993, and the 1997 denial. In this application now, “we did exactly what you told us to do in denying it in 1997”. Mazzucco said, “Again, you spoke, we listened”. The current plan is superior to anything that's come before you, and he enumerated why and those experts who had testified. “No experts of that sort” have testified for the opposition, Atty. Mazzucco said. Jack Kozuchowski and Steven Danzer, Ph.D., are neutral, and Jack Kozuchowski “prefers the one with the least number of spaces”. If a fewer number of spaces is granted, we will accept that decision. Mr. Mazzucco then reviewed all of the good things, the benefits of the proposal, what they are creating, what they are enhancing, plus the Conservation Easement. “That really does mean something”, Mazzucco said. We give up even the right to farm, he said, with the Conservation Easement. He mentioned the UCONN Beetle Program. Atty. Mazzucco suggests that this proposal, he said, “deserves approval as submitted”. He reviewed what they will be willing to remove, change, condition; there will be no storage, no trailer trucks, and a bond. At 9 pm, he said he appreciated the Commission's time, and this finally does conclude our presentation.

Chairman Chianese asked Jack Kozuchowski to clarify a Conservation Easement versus Open Space, and Ward Mazzucco said the Easement cannot be rescinded; it is a permanent encumbrance on the property. Mr. Chianese asked if Ward is saying “yes” to a Conservation Easement for all the remaining parcel? Atty. Mazzucco answered, whatever the map shows. Jim Rotondo showed the CON1 map, dated 12/22/03, with the green outline, illustrating the acreage for the Conservation Easement. Mr. Douglas Hempstead said he is going to make the assumption that we don't come back in 10 years, so “no more parking” is the language you put in the deed. Mr. Chianese said, “Okay”. Bruce Lees asked Ward if the plans will be forwarded to the Army Corps of Engineers; would they accept that as a term of condition? Ward answered, “Certainly.” Thomas Pinkham, Jr. had a question on what Tom Saadi had stated, and Ward answered that any violations were “rectified”, and there had been no violations for ten years. Bruce Lees asked Ben Chianese regarding conditions of approval and conditions of denial.

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Chairman Chianese said that we will have an open Public workshop to discuss those. At 9:08 pm, Thomas Saadi requested permission to re-address the Commission, citing the Supreme Court case precedent that allowed this, since new evidence has been presented by the applicant regarding “my thinking, my decision making”. Mr. Saadi said he had abstained from voting because he had questions; a “very thoughtful process” at that time. Secondly, Mr. Saadi said, about the CG-20 being the Zone for most intensity, “I also served on the Zoning Commission”, and Planning and Zoning Commissioners rely on the other Boards to help in their decision-making. (Tape beeped; tape malfunction, replaced) Joseph Coco then asked to re-address the Board under the same Supreme Court precedent, and Ward Mazzucco said, “This could go on forever”. Atty. Coco said, “This is a threat”, regarding his intention to appeal. Coco said he, too, had to refute “new evidence”. Coco brought up the statement that this was a “superior proposal”, and Ben Chianese said this was all previously discussed, not new testimony. Mr. Coco brought up a “Conservation Easement” citing Tarrywile, and Ward Mazzucco said, “Really, all that’s been covered”. Bruce Lees made a motion to **close the Public Hearing**. Bill Mills seconded this at 9:15 pm. The motion to close the Hearing carried unanimously. The Board Members voted for and took a brief recess.

### **OLD BUSINESS CONTINUED:**

#### **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. Chairman Chianese reconvened the meeting at 9:30 pm. Bruce Lees has left the panel. Michael Mazzucco, P.E., introduced himself, and said he was waiting for Scott LeRoy’s report. Scott LeRoy took the microphone and said he would go over the highlights of his impact report. He recommends summary ruling, he said, and he gave a copy of it to Mike Mazzucco. His report said there was zero area of wetland loss on the 4.0-acre site. The report included an attached letter from the engineer which listed additional protective methods: (1) in rear of lots 2 & 3, a retaining wall has been shown and the grading and limit of construction was moved further away from the wetlands; (2) siltation fence was added on all lots; (3) a Conservation Easement was added with appropriate notes; and (4) a not added that the swale be cleaned. Scott LeRoy discussed his nine conditions of approval, including #9 regarding the Conservation Easement, which shall be conveyed to all property within 100 ft. OR as depicted on the plans (#03040-S or as revised) approved by the EIC and submitted by the applicant. This Easement shall also be recorded on the Land Record and reviewed and approved by the Health Department prior to a Certificate of Occupancy being issued for the property. At 9:37 pm, Mr. LeRoy asked if there were any questions. Mr. Mills asked who is to be responsible for cleaning the swale, and the answer was the contractor. Chairman Chianese asked if there were any other questions. Mr. Mills made a motion to accept as complete. Mr. Pinkham seconded the motion, and it carried unanimously. Mr. Chianese confirmed that all of the fees had been paid. Mr. Pinkham made a motion to **approve** the application with nine **conditions** of approval. Mr. Mills seconded the motion. Being no further discussion, the motion carried unanimously at 9:39 pm.

**40 – 42 Kenosia Avenue**

**Regulated Activity # 538**

**Kenosia Plaza, LLC**

Assessors Lot # E17085, E17086

Date of Receipt: 1/14/04      *Medical & Business Office. Extension ltr. rec'd. 2/25/04.*

First 65 Days: 3/12/04. Second 65 Days: 5/16/04. Chairman Chianese stepped down from the panel for this application, due to a possible conflict. Vice-Chairman Tom Pinkham was appointed to lead this discussion. Mr. Michael Mazzucco, P.E., took the mic. Mazzucco said the original map was done by FEMA, and we need to go back and take a look at that. He said they may possibly be putting the detention basin under the parking in the rear. It's "in revision stage" right now. Mr. LeRoy said that it's actually going to being the detention basin under the parking lot. Mr. Mazzucco showed the Site Plan #03079-S on the easel, saying he will rework the area for improved water quality purposes. Also, there will be road widening for the left turning lane, per the traffic engineer's recommendation. We're going to "put it all together for the next meeting", Mazzucco said. Mr. LeRoy had a couple of road suggestions. Mr. asked if they were before Planning for the parking, and Mr. Mazzucco answered that they are before the Planning Dept. for traffic. Mr. LeRoy suggested that maybe they would create some more habitat. Michael Mazzucco said, "There's a lot of things we can do there" for habitat. Mr. Mills questioned changing the grade there. Mr. Mazzucco said "yes", we need to provide frost protection for their foundations, therefore there will be small retaining walls. There are five framed buildings there now, and they would all come down, Mr. Mazzucco said, and he hopes to have all the revisions for the next meeting. Mr. Pinkham said he would entertain a motion. Mr. Russell made a motion to **table** this item. Mr. Mills seconded the motion, and it carried unanimously.

**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. Ben Chianese introduced this application at 9:48 pm. Scott LeRoy introduced himself, and said he'd spoken with the agent and applicant, and he'd approve it administratively. Mr. Pinkham made a motion to **table** this. Mr. Bill Mills seconded the motion. Being no further discussion, the motion 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. Steven C. Sullivan, Project Engineer, with CCA, LLC, of Brookfield, CT, spoke on behalf of the applicant. The project is for the construction of a single family dwelling with septic, well and driveway. Sullivan said with channel geometry, he will try to achieve six flat areas where sediment can collect. He will research that revision, and it will be designed for a 25 -year storm event. CCA, LLC, will send

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us \$25 more since it's a watercourse. Thomas Pinkham, Jr. made a motion to **table** this matter. Keith Prazeres 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. Chairman Chianese introduced this item at 9:55 pm. Scott LeRoy said they are trying for as much physical separation as possible, more fencing, etc. Bill Mills had a question on the discharge. Mr. Mills asked if they had a problem with the Conservation Easement, and Scott answered "no". Thomas Pinkham, Jr. made a motion to **table** the application. Kevin B. Russell seconded the motion, and it carried unanimously.

**NEW BUSINESS:**

**336 Main Street**

**Regulated Activity # 543**

**AutoZone, Inc.**

**Assessors Lot # I13032**

Date of Receipt: 3/10/04

*New retail building & parking.*

First 65 Days 5/14/04. Second 65 Days: 7/18/04. Since Mr. LeRoy has not yet had time to see this new application, Kevin B. Russell made a motion to **table** it. Mr. Pinkham seconded the motion, and it carried unanimously at 9:58 pm.

**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. Scott LeRoy said he's still waiting for a revision on this one. Michael Mazzucco will give the EIC an extension letter. **No action taken.**

Mr. Scott LeRoy then reminded the EIC Board Members that this is Secretary Pat Lee's one year anniversary working at City Hall. There was applause.

**77 – 83 Mill Plain Road**

**Regulated Activity # 537**

**Shurgard Storage Centers, Inc.**

Assessors Lot # D14032

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

First 65 Days 2/12/04, Second 65 Days 4/17/03. Scott LeRoy said, before the next meeting, he will approve this administratively. **No action taken.**

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**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 said, before the next meeting, he will approve this administratively. **No action taken.**

**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. Scott LeRoy said, before the next meeting, he will approve this administratively. **No action taken.**

**ADMINISTRATIVE STAFF APPROVALS:** None.

Chairman Ben Chianese asked if Corporation Counsel could listen to that end of Stew Leonard's tape, as he wanted some comment from them on what should occur. Scott LeRoy said to always err on the conservative side. He counted, with a calendar, thirty-five days (in which the EIC had to make a decision on EIC533), and it landed on 4/14/04, "our first April meeting". Mr. Chianese said that on the next EIC meeting, 3/24/04, we will hold a workshop meeting open to the Public, but they can't speak. Mr. Mills suggested inviting Corporation Counsel, Steven Danzer, Ph.D., and Jack Kozuchowski. Mr. Chianese said to post this in The News Times. The Board Members discussed when to meet to discuss this "large application", while it's fresh in mind. Mr. Pinkham interjected that his wife is due on April 4<sup>th</sup>, with their first child. Mr. Pinkham motioned to **set the date for 3/24/04** for the workshop, starting at 6 pm. Mr. Mills seconded the motion, and it carried unanimously. Mr. Chianese asked the Secretary to list all of the Stew exhibits from all the meetings, and mail, FAX or e-mail it to the Board Members. Then, the regular EIC meeting on 3/24/04 will begin at 7:30 pm, Ben said.

**ADJOURNMENT:**

Mr. Pinkham motioned to adjourn at 10:20 pm. Mr. Mills seconded the motion, and it carried unanimously.

Respectfully submitted,

Patricia Lee, Secretary