



CITY OF DANBURY
 155 Deer Hill Avenue
 Danbury, CT 06810

Environmental Impact Commission

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MINUTES

May 12, 2004

Common Council Chambers

The meeting was called to order at 7:35pm by Chairman Chianese. The Board Members self-identified themselves from right to left.

Members Present: Chairman Benjamin Chianese, Bruce Lees, Sabrina Charney, William J. Mills, Thomas Pinkham, Jr., Keith Prazeres (sitting in for Westney).

Members Absent: Craig Westney, Kevin B. Russell, Senior Environmental Inspector Scott LeRoy

Staff Present: Secretary Patricia Lee

Mr. Pinkham made a motion to accept tonight's agenda. Bill Mills seconded the motion, and it carried unanimously. Bruce Lees is Acting Secretary tonight.

PUBLIC HEARING: None

OLD BUSINESS:

23 Indian Avenue

Regulated Activity # 551

Cedars Property Owners Association

Assessor's Lot # K40183

Date of Receipt: 4/14/04. Notice of Violation: 4/7/04. *Beach, Retaining Wall.*

First 65 Days: 6/18/04. Second 65 Days: 8/22/04. Ben Chianese introduced this item at 9:40 pm, since the applicant was not present at 7:40 pm, when the EIC meeting opened. On 5/11/04, Tom Carlson phoned Scott LeRoy to say that he had not received Scott's 5/3/04 letter. Scott LeRoy reported that they had put in their docks, as the EIC had given them permission. Chairman Chianese reminded Mr. Carlson that the meeting tonight started at 7:30 pm, and "you came very close to being denied". Tom Carlson, treasurer and secretary for the Cedars Property Owners Association took the microphone and

identified himself. He said that Michael Mansfield was on the road, and he himself did not get a copy of Scott LeRoy's 5/3/04 letter. Mr. Carlson distributed a handout to the Board Members and two black & white photographs. He described the project activities since the last meeting, using his handouts. He said that, today, we are here to provide you with an update, to provide more information, and request additional feedback. Chairman Chianese chastised Mr. Mansfield and Mr. Carlson. Mr. Mansfield said that "everybody's backed up for two weeks". Jody Chase called him back only yesterday. We are dealing with this after work, and we have 18 families to go back and forth between. Tom Carlson said, we are working as diligently as we can. Our by-laws restrict us: we need the neighbors' approval for anything over \$500. Keith Prazeres asked how many people, and said, "We're wasting your time". Narrow your focus with your engineer, as long as the Cease & Desist order is all fixed and ready to go. Mr. Mansfield and Mr. Carlson discussed the hurdles they have faced. Sabrina Charney said you are meeting with Scott LeRoy on May 18th at 2 pm; this will "outline your next step". Mr. Chianese, Mansfield, Pinkham, Prazeres, and Ms. Charney discussed some engineering issues, concluding that an expert on impacts to Candlewood Lake is needed. Mr. Lees said, at the least, send a representative to the next meeting. Ben Chianese urged the other Board Members to attend the 5/18/04 site visit at 2 pm. Mr. Lees made a motion to **table** the application and leave the Notice of Violation in place. Mr. Pinkham seconded the motion. The motion carried at 9:58 pm with five in favor, and one opposed (William Mills).

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. Scott LeRoy's Final Impact Report was done 5/12/04, with notes about the Bog Turtles. Ben Chianese said he must abstain from the vote on this item, but he does not have to step down for the discussion. Ben allowed the Board Members to review Scott's report for a few moments, at 7:38 pm. He said he'd read the conditions of approval into the record, which he then did. Michael Mazucco, P.E., spoke on behalf of the applicant in response to Bill Mills' questions. (Alternate Keith Prazeres arrived and joined the panel at 7:46 pm). Mr. Mills asked what are permanent monuments, and Mr. Chianese and Pinkham responded that they are little permanent stone markers. Mr. Mills asked if two years is a long enough maintenance plan duration. Mr. Mazucco answered that a schedule of maintenance, as Mr. LeRoy had addressed with Atty. Dave Grogins, must be submitted before any permits are issued. Mr. Mills asked, then can we, from this application on, as for a report on the maintenance performed, which Pat Lee can distribute to the EIC Members? Ms. Charney said we can agree to add that to condition #13. Also, she said, add sweeping of the parking areas after snowstorms. Michael Mazucco added, like the City of Danbury schedule, a Spring clean-up can be scheduled. He recommends once in the Spring and once in the Fall. Ms. Charney said it should be timed, that is, before the Spring rains wash everything into the runoff. They should go out more than once, as needed, according to some type of schedule and do a report, so that we can track it. Mr. Chianese said we'll need to vote on

that. Mr. Pinkham and Ms. Charney said to amend condition #13 to include sweeping the street and parking lot, with proper disposal, and add some type of report. Ben Chianese asked, twice a year? Mr. Mills and Chianese and Ms. Charney discussed changing the conditions to include their requests. Attorney Grogins took the floor, and said he had had a discussion with Scott LeRoy about a covenant to put on the site with a maintenance schedule, which we will provide, and a report, "that's not a problem", in response to Chairman Chianese. Mr. Mills said, "It's not just you. We want this on all future applications." Mr. Mills asked Atty. Grogins about a change of zone. Attorney Grogins said we can amend the IL-40 Zone to include "Physical Medicine", with a lower parking requirement than a medical office, and it's been approved. Mr. Chianese said, I'll entertain a motion. Mr. Mills made a motion to accept this as complete, with the condition changes as discussed. Ms. Charney seconded the motion, and it carried unanimously. Mr. Chianese said, for the record, Thomas Pinkham, Jr. has missed most meetings discussing this application. Mr. Pinkham said, "I'll abstain from voting." Mr. Mills made a motion to **approve** Regulated Activity #538, subject to 15 conditions of approval, as amended, per Mr. LeRoy's report. Ms. Charney seconded the motion and it carried with four votes. Mr. Pinkham and Mr. Chianese abstained.

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. *Revision rec'd. 5/11/04* were handed out to the Commission Members, as well as the "3rd layout alternative" suggested by the Planning Department. The application was introduced at 7:59 pm by Chairman Chianese, who noted the not-to-scale map done by City Staff, and the letter from Planning Director, Dennis Elpern. This is exhibit #1 for this evening, Chianese said. He asked the Board Members to hold their comments until after their presentation. Curtis Sigler of AutoZone in Memphis, Tennessee, took the mic at 8 pm. He briefly reiterated "where we started from", and noted the issue of moving the building away from the 100 ft. line from the Still River. Plan RE-3 is the second alternative, and with tonight's input, EIC would like to move the building. RE-4 is our third proposal. The areas around the building are concrete and the asphalt is darker gray. We maintain 40 parking spaces and two handicapped. On the map compiled by City Staff, the dumpsters are still close to the Still River. Our RE-4 proposal moves the dumpsters away from the River. "I can live with 18 ft.", Sigler said. We'll do 24 ft., although I feel it's a lot safer to have the 30 ft. width for traffic. We designed this "turnkey" spot so trucks can back up. There will be no parking in this turnkey spot. Trash trucks can do the same. Our Environmental Business Plan addresses Mr. LeRoy's concern about spills. Ben Chianese asked, you're submitting that? Mr. Pinkham said it is already in the file. Curtis Sigler said it looks like, at this point, we have no problem with these three plans; 24 ft. will work, but will be real tight for a 60 ft. long tractor-trailer. I'd ask for 28 ft. Sabrina Charney said I think we should stick to 24 feet, since the Planning Director recommended that. Can you change the turnkey to gravel, she asked. Keith Prazeres said you could stripe it off. Tom

Pinkham said that striping and gravel will not keep people from parking there. Mr. Chianese said, I don't have a problem with 30 ft. Sabrina Charney said less imperious surface means less pollution. I'm for the 24 ft. "The site is right adjacent to the Still River". This is the type of decision that "warrants environmental integrity", Charney said. Mr. Sigler asked that the rear bay be 30 ft. Ms. Charney said, "Are you telling me there's no way you can work with 24 feet?" if we have an opportunity to reduce the amount of impervious surface. Mr. Sigler said the Fire Marshal, as I recall, gave us approval at the 30 ft. plan. Fire trucks are smaller than semi's. Planning is doing a staff review. Mr. Lees suggested we compromise a little more by giving them 26 feet. Ms. Charney said, I'll do 26 ft. in the back, and 24 ft. on the side. Mr. Pinkham, Chianese, Sigler, Prazeres, Mills and Ms. Charney discussed the turnaround, the curve, the radius and the change to it, where the tractor-trailer unloads, off-peak hour deliveries, yellow striping, the new Streetscape fixtures and sidewalks, a planting plan, and truck movements. Mr. Pinkham suggested they hire really good drivers. Mr. Chianese said, we like alternate #3 over #1 and #2. Mr. Sigler said, we want to get this store opened; we'll meet planning requirements. Ms. Charney thanked Mr. Sigler for coming back with alternatives and changes. Ms. Sigler summarized and said they will submit a planting plan to EIC. Mr. Mills said, make sure that the report comes back to the EIC. Mr. Chianese said, that's a condition of approval. Mr. Lees made a motion to table. Mr. Mills seconded the motion. Mr. Chianese explained to Mr. Sigler that we cannot vote on it tonight without Mr. LeRoy's report. He must comment on alternative #3 which has been presented tonight. Mr. Mills said, we've agreed on a lot of things, and "it should pass". Mr. Sigler asked, there's no way to approve it tonight, pending Scott LeRoy's report? "We've got to commit to close on this property" or it will go away. Ms. Charney replied, you are 99% of the way there. It's another two weeks. Curtis Sigler asked, would I need to be present at that next meeting? I can't commit to being here. Mr. Chianese said there's a motion on the table to table this item. The motion carried unanimously to **table** the application at 7:31 pm.

12 Dixon Road

Regulated Activity # 548

Christopher & Donna Ryan

Portion of Assessor's Lot # J08127

Date of Receipt: 4/14/04.

Dwelling, well, septic, driveway.

First 65 Days: 6/18/04. Second 65 Days: 8/22/04. *S. Danzer review done 4/30/04 recommending some changes.* Michael Mazzucco, P.E., came to the dais on behalf of the applicants. He said that soil scientist Cynthia Rabinowitz was out there when there was snow cover on the ground, so it was not possible to make a positive determination on that swale or watercourse. Mr. Mazzucco distributed her letter, ConnSoil, dated 5/10/04, to the EIC Board Members. Mr. Chianese asked can Cynthia attend the next meeting? Mr. Pinkham asked, also, can Mr. Danzer attend? There are just so many discrepancies, he said. Michael Mazzucco said the water gets absorbed before it even gets to the swale. He passed out photographs, which he said he took today. Mr. Mills said, I'd like to propose a site walk. Mr. Lees said a site walk would be great, an "educational fieldtrip". Mr. Mills asked about the trees chopped down. Mr. Mazzucco referred him to photograph

B, showing old logs and brush throughout the area; it was flagged by Cynthia Rabinowitz. Mr. Mills, Chianese, and Lees discussed the photos and his coding (A,B,C,D,E), indicating where the driveway will go, where the house will go. Keith Prazeres pointed out the location map for the photos. Ms. Charney said that the photos are very helpful. Mr. Chianese again suggested a site walk. Mr. Mazucco passed out flood plain or flood area maps for the City. Mr. Mills questioned the date of the last revision, 1982. Ms. Charney said this is a Federal map. Mr. Mazucco discussed F.I.R.M. (Flood Insurance Rate Map), said this is typically Zone C, and he discussed the retaining wall. Michael Mazucco said he talked to Scott LeRoy about moving the wetlands. The soils are excellent soils for renovation and treatment, not hard-panned soil. Tom Pinkham said we have to submit to Scott LeRoy. Should we ask Steven Danzer and Cynthia Rabinowitz to come to the next meeting? Mr. Chianese interjected that Mr. Danzer is not on staff. Mr. Mazucco said, to mitigate the piping, he will put in dry wells at each juncture, almost 3 dry wells. The water is coming from the road with a lot of sand. It's a question of maintenance. Sabrina Charney said maintenance is going to be key. Mr. Pinkham made a motion to **table** the issue at 8:47 pm. Ms. Charney seconded the motion, and it carried unanimously.

5 Varian Drive

Regulated Activity # 561

RCS Consultants, LLC

Assessor's Lot # C 10040

Date of Receipt: 5/26/04. *2-Car Attached Garage Addition.*

First 65 Days: 7/30/04. Second 65 Days: 10/3/04. No representative in audience tonight. No action taken.

NEW BUSINESS:

Aunt Hack Road, Parcel B

Regulated Activity # 553

Neil Perone

Assessor's Lot # C09009

Date of Receipt: 5/12/04.

Single-family dwelling, well, septic

First 65 Days: 7/16/04. Second 65 Days: 9/19/04. *S. Danzer to review this, so Mr. LeRoy suggested the EIC table it. Mr. Ron George, P.E., of CCA, LLC of Brookfield, CT, took the dais at 8:49 pm. He showed the panel his map, which was approved in 1987, but was allowed to lapse. There was approximately 750 sq.ft. of disturbance. He discussed the lay of the land. This was submitted and then withdrawn. Ron said he had a discussion with Scott LeRoy, who wanted mitigation done, and "I was unable to do that". It is a good-sized drainage area. The watercourse runs west of the property, not on the property. The wetlands were delineated by Roy Shook, Soil Scientist, back in December, Mr. George said. Mr. Chianese asked if he'd considered doing a bridge over the wetlands. Mr. George said, "no"; it's a single-family house, and a bridge would be very expensive. Mr. Chianese said the applicant is a developer, not the homeowner; I would like to see a proposal for a bridge. Mr. George said that would be "quite an expense", but*

“I can take that under consideration”. Ms. Charney said especially since it’s a drinking water area. Mr. George, Chianese and Mills discussed getting over the wetlands, an unpaved easement, and the types of crossings available today. Mr. Pinkham asked who is the property owner to the left? Is there no other way to access the property? Mr. George said there is no other access, unfortunately. Mr. Lees said that a hydrology survey is usually requested. Mr. Pinkham made a motion to **table** this application. Mr. Mills seconded the motion, and it carried unanimously without further discussion.

Bear Mountain Road

Regulated Activity # 554

John R. Clarke - Bay State Forestry

Assessor’s Lot # H03069, I03003

Date of Receipt: 5/12/04.

Timber Harvest- Pamela Equities Lot.

First 65 Days: 7/16/04. Second 65 Days: 9/19/04. This application will be reviewed by Scott LeRoy, Scott said, and he’d like to get Craig Westney’s input also. Mr. Lees made a motion to **table** this. Mr. Pinkham seconded the motion, and it carried unanimously.

25 Hayestown Road

Regulated Activity # 555

Harbour View Condominiums

Assessor’s Lot # I09085

Date of Receipt: 5/12/04.

18-Unit Condominium Development

First 65 Days: 7/16/04. Second 65 Days: 9/19/04. *S. Danzer will review this issue.* Michael Mazzucco, P.E., introduced this application at 9:01 pm. As agent for the applicant, and put the plans up on the easel. The site is at the intersection of Hayestown Road and East Hayestown Road, formerly a roller skating rink, and now the home of East Coast Sound. They propose to remove the building, and he showed that they are within 200 feet of Candlewood Lake. Map 04004-S is the map showing what is proposed. The site has City water & sewer, a new sidewalk; they will move the curb out in a southerly direction. An 18-unit condominium development in four buildings is proposed. There is “a lot of drainage in the area”, a sea wall which defines the boundary between uplands and wetlands. There are two catch basins on the corner. I live near this area, Mazzucco said, and it is not a good situation when it rains. We’re proposing to re-do that drainage system. He discussed the two outlet pipes at the intersection, the drainage, and no on-site detention is proposed. Mazzucco flipped back to the vicinity map to show the topography. “We are proposing a Vortechnic unit”, Model 7000, a pretty large unit. He showed the site utility map. Joe Putnam did the condominiums units up off East Hayestown Road, Mazzucco said. Ms. Charney said they look nice. This is the same guy, Joe Putnam, doing these, Mr. Mazzucco said. Bill Mills discussed the concern around Candlewood Lake, or Lake Kenosia, saying you are really enhancing the wetlands by this proposal. This is “a big concern of this Commission”, Mills said. Michael Mazzucco said, this is the first meeting and Scott LeRoy is not here. Are there any questions? Chairman Chianese asked if there were alternatives proposed. Mr. Mazzucco said, “Not really”, since the water is not even flowing in that direction; there is no impact, really. Sabrina Charney said, “You need to thing long-term”, so that twenty

years from now, the cooperative's common charges must address the issue of maintenance. Mr. Mills added, we want to make that part of the EIC report. Bruce Lees said he wants Scott LeRoy to look at the possibility of having a Public Hearing. This is an environmentally sensitive area of "special interest". How much impervious surface is proposed, Mr. Lees asked. I recommend a Public Hearing. Mr. Mazzucco said there will be slightly less than a half-acre of impervious surface. Bruce, Sabrina, Ben, Mike, Tom and Keith discussed the criteria for a Public Hearing, the amount of impervious surface, and the porosity of the amount of gravel on the existing site and the proposed project. Keith Prazeres said, "This is due diligence at it's best, right here". Sabrina Charney said that, over time, gravel "behaves exactly like pavement". Mazzucco said, it does erode. Ms. Charney said this is "definitely an example of a good proposal". Tom Pinkham said it warrants a Public Hearing. Mr. Mazzucco said we have time to get Mr. LeRoy's input. It is a "Special Exception Use" in the Planning Dept. Mr. Lees made a motion to **table** this. Mr. Pinkham seconded the motion, and it carried unanimously at 9:22 pm.

111 Aunt Hack Road

Regulated Activity # 556

James & Laura Kennedy

Assessor's Lot # C10100

Date of Receipt: 5/12/04

Addition to Residence.

First 65 Days: 7/16/04. Second 65 Days: 9/19/04. Chairman Chianese introduced this application. Scott LeRoy recommended it be moved to Administrative Approval. Mr. Ben Doto, III, P.E., of 131 Deer Hill Avenue, identified himself at 9:23 pm. He identified the site, right next to Richter Park, and he described the previous improvements and the septic. He said the Kennedy's father had passed away, and they want to take his mother into their house. An alternative is in the proposal. Mr. Doto submitted photographs to Secretary Lee, who handed them to Ben Chianese. He said all activities will stay on this side of the stonewall. It is in the West Lake Watershed. A six-bedroom septic system was previously built, and they are going from six to five bedrooms, Mr. Doto said. It is the old B-100 plan. Bill Mills had a question. The Kennedy's have four children and now Mom is moving in. Mr. Lees said that Scott LeRoy recommended it be moved to Administrative Approval. Mr. Lees made a motion to **move** this application to **Administrative Approval**. Sabrina Charney seconded the motion. Being no further discussion, the motion carried unanimously.

113 & 115 Clapboard Ridge Road

Regulated Activity # 499R

Damia Development / BRT
F09091

Assessor's Lot # F08066, F09035, F09036,

Date of Receipt: 5/12/04. *Jane Didona's Revised Site Plan for Cluster Subdivision.*

First 65 Days: 7/16/04. Second 65 Days: 9/19/04. Scott LeRoy had advised to table this application. It may be moved to Administrative Approval, but Mr. LeRoy has to review it further. Tom Pinkham made a motion to **table** this. It was seconded by Bruce Lees, and the motion carried unanimously. Bill Mills asked the Commission Members to

look at page 43 in “What’s Legally Required?” stating that a modified plan must be treated as a brand new application. Secretary Lee said that they did submit a new application with fees. Tom Pinkham said, “Just cross that out”.

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. Revisions rec’d. 5/4/04. No action taken.

Padanaram / Pembroke Roads **Regulated Activity # 550**

Corp. for Independent Living Assessor’s Lot # G07037

Date of Receipt: 4/14/04. *See 4/25 ltr. from D.DiVesta. Stetson Place Water Mains.*

First 65 Days: 6/18/04. Second 65 Days: 8/22/04. Per Mr. LeRoy, this will be approved, pending the engineer’s comments. (Administrative Approval letter sent by Mr. LeRoy to applicant on 5/13/04).

71 – 73 Boulevard Drive **Regulated Activity # 526 R**

Lake Place West, LLC Assessors Lot # D16001 & D16031

Date of Receipt of Revision: 4/28/04 *Slightly less impervious coverage.*

First 65 Days: 7/2/04. Second 65 Days: 9/5/04. Per Mr. LeRoy, this will be approved. (Administrative Approval letter sent by Mr. LeRoy to applicant on 5/13/04).

ADMINISTRATIVE STAFF ACTIONS:

4 Williams Street **Regulated Activity #552**

City of Danbury - Parks & Recreation Dept. Assessor’s Lot # I15083

Date of Receipt: 4/28/04. *Blind Brook Playground.*

First 65 Days: 7/2/04. Second 65 Days: 9/5/04. S. LeRoy approval letter done and mailed to applicant on 5/12/04.

CORRESPONDENCE:

Letter from C.L.A. dated 4/26/04: No Northeast Generation Company permits without evidence of municipal permits for any Candlewood Lake shore work.

4/5/04: SB-455 Amendment to CT's Inland Wetlands & Watercourses Act passed, restoring wildlife considerations, & clarifying the authority of IWW agencies.

EIC ADMINISTRATION, OPERATIONS & FUTURE AGENDA ITEMS:

Notice of Violation: **7 Oak Lane**, Ameriquest Mortgage Company, Orange, CA, mailed 5/10/04, filling on banks of Candlewood Lake without permit.

Notice of Violation: **50 – 58 Payne Road**, Ray Boa & Arlindo Augusto, LLC, Assessors Lot # M12009, mailed 5/5/04. Scott LeRoy wants an A-2 survey done by applicant. Withdrawal letter for Regulated Activity # **544 not** yet received from M. Lillis. EIC Permit #154, extended 4/30/03, conditions and restrictions apply to this new application.

Date of Receipt: 3/24/04. *Facility for A & J Construction*. First 65 Days: 5/28/04. Second 65 Days: 8/1/04. Site visit by Mr. Chianese and Mr. Mills discussed, violations of previous permit discussed. Application EIC 544 to be **withdrawn** by M. Lillis. Motion to order a **Notice of Violation** by Bruce Lees. Second by William Mills. Motion carried unanimously.

Reschedule Regulations Update Workshop-discuss further at next meeting.

Scott LeRoy has received word from Eric Michiels that a Vortechnic unit is to be installed on White Street on Wednesday, May 26th, if the EIC Members want to see one.

ADJOURNMENT: At 10:05 pm, Mr. Lees made a motion to adjourn; this was seconded by Mr. Prazeres, and the motion carried unanimously. The next regular meeting of the DEIC will be held on May 26, 2004, at 7:30 pm

Respectfully submitted,

Patricia M. Lee, Secretary