



CITY OF DANBURY
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DANBURY, CONNECTICUT 06810

ENVIRONMENTAL IMPACT COMMISSION
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MINUTES

August 25, 2004

Common Council Chambers

Next regularly scheduled meeting date **9/8/04**.

Meeting opened at 7:38 pm.

Members Present: Chairman Benjamin Chianese, Bruce R. Lees,
Kevin Russell, William Mills, Keith Prazeres (Prazeres sitting in
for Craig Westney)

Members Absent: C. Westney, Thomas Pinkham

Staff Present: Scott LeRoy, Dept. of Health & Housing,
Patricia Lee, Secretary

Chairman Chianese called the meeting to order at 7:38 pm, identified himself, and requested the Commission Members self-identify themselves from right to left, which they did. Sabrina Charney made a motion to accept tonight's agenda as printed. Bill Mills seconded the motion and it carried unanimously. Keith Prazeres motioned to approve as printed the minutes from the 7/14/04 EIC meeting. Sabrina Charney seconded this motion and it carried unanimously at 7:38 pm.

PUBLIC HEARING: None.

OLD BUSINESS:

Aunt Hack Road, Parcel B

Regulated Activity # 553

Neil Perone

Assessor's Lot # C09009

Date of Receipt: 5/12/04. *Revisions rec'd. 8/21/04.* First 65 Days: 7/16/04. Second 65 Days: 9/19/04. *Danzer reviewed 5/24 & 8/5. J.Kozuchowski reviewed the mitigation plan 6/22/04. Engineering's comments rec'd. 7/21/04.* Chairman Chianese announced that this application was tabled at the last meeting until 9/8/04.

42-44 Briar Ridge Road**Regulated Activity # 562****Briar Ridge, LLC**

Assessor's Lot # C16028

Date of Receipt: 6/9/04. *80 Multi-Family Units in 12 Buildings*. First 65 Days: 8/13/04. Second 65 Days: 10/17/04. *Mario Rizzo did review 7/20/04. Extension letter received 7/23/04*. Ben Chianese said he has received a letter requesting that this be tabled tonight. Charney made a motion to table. Mills seconded the motion, and it carried unanimously.

258 Great Plain Road**Regulated Activity # 564****William S. Coffey**

Assessor's Lot # J04011

Date of Receipt: 7/28/04. *Single-family residence*. First 65 Days: 10/1/04. Second 65 Days: 12/5/04. Ben Chianese received a letter today requesting that this be tabled, as Mr. Coffey is out of town. Prazeres made the motion to table. Mills seconded the motion, and it carried unanimously.

32 Seminole Road**Regulated Activity # 566****James B. McKee**

Assessor's Lot # F10023

Date of Receipt: 8/11/04. *Single-family Residence*. First 65 Days: 10/15/04. Second 65 Days: 12/19/04. Mr. Chianese introduced this topic at 7:41 pm. Jim McKee, owner of 32 Seminole Road, introduced himself and put the map on the easel. It is a 4-1/2 acre site, he said. He intends to build a home on the parcel bordering lower Kohanza Reservoir. He's placed the house on the northwestern side of the Lake. The lot is 700 feet ± long. The septic is 400 ft. downhill from the house and from the reservoir; it's almost its own two-acre site. This proposal will have a positive impact, McKee said, since now this lot will be maintained. There will be less trees, less leaves and silt going into the reservoir. It was subdivided thirty years ago, when they make Seminole road. Now it's a dump site, a neighborhood kids' campground. It is heavily over-treed, McKee said, with trees rotting and falling across the driveway. 50 % of the trees need to be removed, to open it up, let some light and air in. The City of Danbury owns 1/3 of the land around the Reservoir and maintains it as a lawn. McKee pointed out the spillway on the plan, and said everything down here would not be touched. The slope is steep, "not ledge, but it's pretty rocky". Once I open up the house site, the trees are going to want to come toward the house site. He discussed the plateau, the previously cleared site. He asked if there were questions. Chianese asked if there were any questions. Bill Mills asked did you see Steven Danzer's comments. McKee asked was he out there? Mills answered "yes". McKee said the staking was ten feet closer then. I pulled it back to the 630 line; it goes kind of right through the house. He discussed the zoning setbacks. Bill Mills asked, have you seen this letter? McKee said Mike mentioned it. There's no asphaltting. He discussed the riprap spillway, detention basin, pipe under the driveway down by the setback; he said there is not a lot of water coming off this hillside. Mills asked do we have the current map? McKee said "yes". Ms. Charney said, I appreciate your protecting the reservoir. Will you hire an arborist, or would you flag the trees yourself? McKee said the insurance company cancelled me because of too many trees too close to the house. I want to prune. "There will be a professional doing it". No grubbing. There's a bank, so you don't have any problem with erosion. Charney asked, would you consider a Conservation Easement around the dwelling area? She explained to McKee that this is a deed restriction which wouldn't allow any further development. Chianese said it does allow passive activities on it. They discussed the Easement, forest management, assurances against clear-cutting and no further e: Bruce R. Lees joined the panel at 7:45 pm). McKee said it's a beautiful site, a very unique site. I can still use it. "Yeah, I'd agree to that", McKee said. Keith Prazeres said

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this is his most favorite fishing hole in Danbury; don't mess it up. He asked if it's all staked. McKee and Chianese said "yes". Go on a nice day. Be careful. The surveyor leaned on a huge tree and knocked it over. He described another way to get onto the site. Mills asked, just for clarification, can you reconfigure it; take the 630 line into consideration? "I would appreciate it". Chianese and McKee checked the date on Mills' map, saying, "It was staked wrong". Mills asked where is the 630 line. McKee replied, through the front of the house. The reason why the footprint on that house is so big is due to the zoning restriction on height. This is a ranch on a hillside. Chianese asked do you have to get a variance to build this? McKee said "no". Mills said reconfigure it back to the 630 line. Chianese said, "It's a request." Lees made a motion to table until 9/8/04. Charney seconded the motion, and it carried unanimously at 8:04 pm.

22-24 Padanaram Road

Regulated Activity # 567

RDB Associates, LLC

Assessor's Lot # H10124, H10125

Date of Receipt: 8/11/04. Revisions to Ann's Place. First 65 Days: 10/15/04. Second 65 Days: 12/19/04. Chairman Chianese introduced this item at 8:05 pm. Mark Kornhaas from Artel Engineering Group, LLC, took the microphone. He said there were two residential houses on this site. They have been demolished. A unique thing here is that the brook that borders the site is very well carved in down to bedrock. Trees won't grow there, as rock won't support trees. There's scrub brush, tall weeds; it's stable there with no erosion. We propose a "slight change from what was there before", Kornhaas said. We've added parking spaces. The City water line goes through here. There's a gas easement; a gas transmission line here. As with the previous application, it will be paved. Chianese asked the distance to the water's wall. Kornhaas said we tried to pull the parking back; we "squeezed the parking lot" this way a little bit. It has municipal utilities and previous galleries for stormwater quality. Kornhaas said I was incorrect about work on the site. They started, and then lost interest. Chianese asked, shouldn't the original application be a part of this file? Lees asked is there a reason you go from the road down? I'm disoriented. They discussed the flat site and spot elevation. The gentlemen discussed the upland area, the site from the brook forward to the road, the EIC previous approval, the changes to that, cleaning of the catch basins, and the addition of a maintenance agreement. Ben Chianese read conditions from the 8/26/99 EIC approval. Mills asked can we get a copy of that? Charney asked how will you treat the runoff from that addition. Kornhaas said they'll have a collection system for roof runoff. Kevin B. Russell asked as a follow-up: the last page of the engineering report we just got does contain the language about clean-up. He discussed the maintenance schedule for the engineering report and the EIC schedule of maintenance. Chianese volunteered, we can add to these conditions. Are there any questions? Lees made a motion to table the application. Charney seconded the motion and it carried unanimously at 8:19 pm.

Payne Road Parcels 3,4 & B

Regulated Activity # 568

GRT Properties, LLC

Assessor's Lot # M13001, M13002

Date of Receipt: 8/11/04. Gravel Parking Area. First 65 Days: 10/15/04. Second 65 Days: 12/19/04. Mr. Steve Trinkaus of Trinkaus Engineering, LLC, Civil Engineers, came forward and said he was unable to attend the July meeting. In 2002, Trinkaus said, Gene McNamara delineated the wetlands. It is hard pan hillside. There were possibly bog turtles or their habitat. The firm had hired an agent to look for the bog turtle and found none. He found habitat less desirable for this turtle, except on the western fringe. They also recommended moving the entrance up Payne Road to create a gravel driveway for work equipment, PVC pipe, things like that. There will be two retaining walls. It will be gravel, not paved, to allow infiltration. There will be filtering in the swale, a permeable wall of boulders. A couple of old sheds will be removed and we will restore the filled area. There

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will be about 8700 sq.ft. of restored wetlands. I will walk the site with Steve Danzer Tuesday at 4 pm. I believe, Trinkaus said, that the wetland flags are still in place, since it was flagged March 2003. It's a vacant site. Chianese had questions about clear-cutting in the upland area, the extent of the wetlands, the floodway. Steve Trinkaus showed the topographical map to Chianese in response. Chianese recommended that the Board Members attend the site walk on 8/31/04 at 4 pm; it's different than it looks on the map. Lees asked are those trees there, or proposed? Trinkaus said "proposed". Lees asked about the grade, location. Showing the vicinity map, Trinkaus indicated the grade and sight line. "People do not drive the speed limit on that road." We'll put screening in there, as a shield from the residential use on the east side of Payne Road. Mills asked what material will be stored here? Trinkaus responded "yes", PVC pipe, etc. Mills asked, no fill, gravel, stockpiles? Trinkaus said the only thing stored here will be construction equipment, distribution boxes, PVC pipe; "we do a lot of septic work". We are not opposed to a Conservation Easement to give a higher level of protection to the Environmental Impact Commission. Russell said don't we have to notify the Town of Bethel, given it's proximity? Sabrina Charney made a motion to table this issue. Prazeres seconded the motion, and it carried unanimously at 8:31 pm.

NEW BUSINESS:

336 Main Street

Regulated Activity # 543 R

AutoZone, Inc.

Assessor's Lot # 117094

Date of Receipt: 9/8/04.

Drainage Outlet Revision.

First 65 Days: 11/12/04. Second 65 Days: 1/16/05. Administrative Approval Requested. Ben Chianese explained the request for this revision. Lees made a motion to table. Charney seconded the motion, and it carried unanimously.

36 Kenosia Avenue

Regulated Activity # 570

Kenosia Avenue Realty, LLC

Assessor's Lot # E17094

Date of Receipt: 9/8/04.

Parking Areas

First 65 Days: 11/12/04. Second 65 Days: 1/16/05. Chairman Chianese introduced this new business. Mark Kornhaas, P.E., of Artel Engineering Group, LLC, took the microphone. He described the vicinity of the parcel, the north side of Kenosia, opposite Westies, approximately 4800 sq. ft., a very narrow and long piece. His client wants to renovate the old building. The problem is the parking. Some parking exists, but he wants to "kind of organize the whole thing". The property was probably filled years ago. You're right there at the mill, Kornhaas said. There's all kinds of trash, junk, trailers. We want to open this access, reduce the building coverage, and open it up also for the Fire Department. It's gravel with concrete curbing, and landscaping. Ben Chianese said that's all wetlands out there. The elevation is 455.4 for the Kenosia floodplain. There are no fences? Kornhaas replied, no fences. We'll open the channel here, but not change any grading patterns here. We'll make the declining building rentable. Chianese asked could you put some trees in back, stake signs that it's wetlands, and put a fence around there? Kornhaas said I can check with my client. Prazeres said back in April, there was an application before us with draining into the Mill Plain Swamp. We won't have the same problem with this, will we? Prazeres asked. Mark Kornhaas said I know what you're saying. Charney made a motion to table, if there are no other questions. Mills seconded the motion, and it carried unanimously at 8:40 pm.

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APPLICATIONS FOR ADMINISTRATIVE APPROVAL:

126A West King Street

Regulated Activity # 569

William DellaSorte

Assessor's Lot # B06028

Date of Receipt: 8/11/04.

Retaining Wall & Fill

First 65 Days: 10/15/04. Second 65 Days: 12/19/04. Administrative Approval Application. Mr. Chianese said, if there are any questions about this application, Board Members may stop by City Hall to see the file.

ADMINISTRATIVE STAFF ACTIONS:

Padanaram Road

Regulated Activity # 315

Ann's Place (Artel Engineering Group) Assessor's Lot # H10124

Permit extension granted (8/26/99) with conditions by Senior Environmental Inspector on 8/17/04 for additional five years. Chianese said if there are any questions, go see Scott LeRoy about this approval.

252 Great Plain Road

Cease & Desist Order

Richard & Deborah Mikelic

Assessor's Lot # J04148

C & D Order mailed 8/19/04 by Senior Environmental Inspector. Watercourse piped and filled without EIC permit. (Copies mailed to all Board Members 8/19/04.) Chairman Chianese introduced this discussion at 8:48 pm. Richard and Deborah Mikelic came to the dais. Mr. Mikelic said the Highway Department rejected their plans until they received a right to drain. There are seven basins on Great Plain Road. The water crosses our property. A legal right to drain, Mikelic said, was given to the City. Do you have a copy of that? Chianese answered "yes". Mikelic continued, then we got permission to build. The neighbors were very angry, asking, during construction, what will you do about this drainage. During heavy storms, the water level comes up and does damage. The neighbors approached me. We hoped the City would help, provide the pipe, and we'd provide the labor. Then it was Spring. "We just took it upon ourselves to do that". We inter-connected the two pipes and added two catch basins. Since we did it, the "drain has been working wonderfully". Russell had questions on the site and the map. Mikelic went over the map with Mr. Russell at the dais. He showed where the water used to flow before his work. Charney said show all of us your map. We all have copies. Mikelic described how it flowed over their property, under Shady Knolls and onto the neighbors' property. Chianese asked have you started digging the swimming pool? Mr. and Mrs. Mikelic answered, "No, no, no, no, no." With the pool application is my A-2 survey showing a "brook in my backyard". Ben Chianese discussed the right of way, meaning the right to drain. Mikelic said Scott came out then he saw the pool application. Chianese said you did not have the right to pipe. Secretary Lee said you did not have the *permit* to pipe. Mikelic said we are not discussing the pool here. Chianese said you need to submit a permit application to the EIC for this piping. Prazeres said, so you basically installed pipe under your yard. Charney said it's difficult to tell from your map. Can you get us better maps? Gradually, water flowed over your property? she asked. Mikelic said the water eroded a channel. Deborah Mikelic said the only time the water is there is when it rains or during a Spring thaw. Richard Mikelic asked am I in violation of the wetland regulations? Charney replied, it's unclear at this time. Deborah Mikelic said Scott wanted photos, but we only have one picture. Charney said those documents are important; we want to go one step at

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a time. Charney made a motion to table this discussion until the next meeting 9/8/04. Lees seconded the motion, and it carried unanimously at 8:58 pm. Chianese said the Cease & Desist order is still in effect. Russell asked can we get a copy of the right to drain agreement, and it was handed to him.

43 Beaver Brook Road, William S. Coffey. A motion was approved 7/28/04 to allow Mr. Coffey to install a silt fence and stabilize the slopes in that area, and stop all other restoration work until Board Members can see it. Scott LeRoy announced that Mr. Coffey is out of town and sent in a letter requesting we table this item until the next meeting.

Fourth regulations **workshop** meeting is scheduled at 6 pm, 9/1/04, Wednesday, in Conference Room 3A. Sabrina Charney said she is trying to align the State with the City regulations, and it's extremely complicated. She said she'll create a table of contents. She said she cannot make the 9/8/04 regular EIC meeting. Bill Mills thanked those people who had participated in the regulations update workshops, and said Ms. Charney had donated lots of time. Mills said, at the last meeting, we agreed we would review sections one through three. "It's starting to get very interesting", Mills said, and I'm very happy so far. Let me know if you can come next Wednesday. It's my turn to buy. "I look forward to your input. We need your thoughts and ideas" to be successful. Ben Chianese said I passed out a draft of our by-laws. I want to go over these now. I want Members to review them with the proposed changes. Please review sections 1,2,3,4,5,6,7,8,9 (but not section 5 under 9) and 10. For those who cannot attend on 9/1/04, please e-mail your ideas to Secretary Lee. I want to submit this to Corporation Counsel after that 9/1/04 meeting, Chianese said.

CORRESPONDENCE:

There was no correspondence. Bruce R. Lees had an observation for the EIC, he said. On Kohanza Street on that short little hill, across from Hillcroft Apartments, a resident has dumped gravel there. Scott LeRoy said he'd look into the matter.

EIC ADMINISTRATION, OPERATIONS & FUTURE AGENDA ITEMS:

Middle River Road

Regulated Activity # 565

City of Danbury

Assessor's Lot # E12040

Date of Receipt: 8/11/04.

Public Hearing opens 9/8/04.

First 65 Days: 10/15/04. Second 65 Days: 12/19/04. Revisions to Parking Island.

ADJOURNMENT: Sabrina Charney made a motion to adjourn. Bruce R. Lees seconded the motion, and it carried unanimously at 9:08 pm.

The next regular EIC meeting will be held on September 8, 2004 in Conference Room **3C**.

Respectfully submitted,

Patricia M. Lee, Secretary