



CITY OF DANBURY
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ENVIRONMENTAL IMPACT COMMISSION
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MINUTES

February 9, 2005
Common Council Chambers 7:30 pm

The meeting was called to order at 7:37 pm by Ben Chianese.

Members Present: Chairman Ben Chianese, Bruce R. Lees (late), Craig Westney, William J. Mills, Sabrina Charney, Alternates Keith Prazeres (for Pinkham) & Matthew N. Rose (for Russell)

Members Absent: Kevin Russell, Thomas Pinkham, Jr.

Staff Present: Patricia Lee, Secretary, Scott T. LeRoy, MPH, MS

Craig Westney made a motion to accept tonight's agenda as presented. Sabrina Charney seconded the motion, and it carried unanimously. Chianese read the legal notice for the Public Hearing into the record.

PUBLIC HEARING 7:30 pm:

Padanaram /Eastwood Roads Regulated Activity # 587

Cotswold of Danbury, LLC Assessor's Lot # F07052

Date of Receipt: 11/10/04. 60 cluster residential units.

First 65 Days: 1/14/05. Second 65 Days: 3/20/05. Continue Public Hearing of 1/12/05 and 1/26/05. New maps received 1/25/05. Report from the Northwest Conservation District received 2/9/05. Donal Walsh of Development Strategies Company, LLC, identified himself, saying they have addressed some of the major concerns since the last meeting. First there is the report from Sean Hayden of the Northwest Conservation District on the wetlands map, which approves, in a nutshell, the mapping itself, and not the project. There are 7 to 8 suggestions regarding wetlands and drainage. We intend to include them all in our next report, Walsh said. Swampfield Land Trust, Inc., has had a chance to go over it too. The second thing is we met with several neighbors, Walsh said, and talked to them on the phone, and we were told to "lose the road in the middle". We need a water line there, not necessarily a road. Walsh described the path with two hammerheads instead of a road. If I can lose the road, I will, Walsh said. This would also minimize the wetland disturbance. Third is, as an alternative, I can move that road 10 feet up. "I've got to work that out" for engineering. Fourth, as the Public brought up, is the discussion about the wetland corridor. We've been talking with the Swampfield Land Trust, Walsh said. Mr. Fry is a Swampfield expert. We'll do a comprehensive grading and landscaping plan. We've been able to do that drainage pattern plan. We met with engineering with Mr. Buckley a couple of days ago

about the culverts. Joseph Canas, Engineer with Tighe and Bond in their Shelton, CT, office next came to the microphone. He said the geotechnical report is on my desk waiting for some minor additions. We'll get that out next week. There will probably be no blasting, Canas said. Then Canas enumerated the recommendations in the report from Sean Hayden of the Northwest Conservation District. Thirdly, Canas discussed the stormwater management on the site. He showed the watershed map, Figure 6, and discussed the Upstream Watershed - Padanaram Brook. Canas showed the Site Cross Sections which was requested at the site walk. The existing culvert crossing now has two corrugated metal pipes, one of which is in poor condition. We will replace that pipe and pour new headwalls. The water line between the two cul de sacs Canas described in the hammerhead solution, the Wetland Disturbance Map, Figure 5. At 7:55 pm, Canas asked if there were any questions. Mills said he had questions on the headwall, the width of the road, widening it, sidewalks, curbing, how much fill on Padanaram and how much fill on Eastwood. Canas said he's not calculated the fill amounts yet. Walsh said we probably just have curbing so far. Mills asked about the retaining walls and piping water under the road, where does it come out of the retaining wall? These are 14 ft. to 16 ft. walls I'm talking about, Mills said. Canas said that will be incorporated into the next meeting report. Mill asked how many would you put in? Canas said "sure". Donal Walsh took the mic and said we do have the watercourses map tonight. "There will be no blasting at all", and, if it's found, we'll "come back before this Commission". "It is a slope, and you just don't know", Walsh said. The geotechnical report is a sample. I don't rely on that either.

Matthew Poppe from Environmental Land Solutions, Landscape Architect, next came forward and identified himself at 8:02 pm. The drainage ways have been located, but there's still snow on the ground. I have a couple of copies of the map and I located them on a sketch (see Drainage Ways Map dated 2/8/05 and received 2/9/05). About 305 trees total will have to be cut. "I was surprised", Poppe said. I thought it would be a lot more, given the size of the site. Mills said he had a question on the drainage area. Poppe said I showed that on the map. Mills said he had another question on the two culverts on Padanaram: remove them or reinforce them? Canas said, "Actually a combination of both". We'll remove one and truncate one, make it shorter. At 8:06 pm, Chianese said if the applicant has nothing further to present, he will open up the Public Hearing to the Public.

Joel J. Limoncelli from 25 East Gate Road came forward, saying I live at the western end of this development area. The turnaround is right below where I live. Although no blasting is to be done, I have a problem with the development and "subsequent erosion that will occur". An extended legal situation followed a previous infringement on my property by a builder. Limoncelli gave a history of the incident. The result was that after the first heavy rain, my driveway was adversely affected. I put a retaining wall at the end and side of my driveway. The underground wall blew out the retaining wall we'd put in. This is a microcosm of the land disturbance we're talking about tonight, Limoncelli said. What will be the adverse effects, consequences of the damage from all this construction, the very steep slopes involved, the tree removal; what penalties will there be? "Really think long and hard" about limitations to be put on this, Limoncelli said. Keith Prazeres said, "Hold on, Mr. Limoncelli." What would you like to see them do? Or would you not like to have the project? Limoncelli said the project is "way, way more than" the land can tolerate, especially with those slopes. Limoncelli cited a Brookfield meeting where it came out that 70% of all wetlands in Connecticut have been destroyed. "I don't think I'm going to stop this project". There needs to be a lot of concern about the erosion. Our septic systems lay back down on this property line, Limoncelli said, and indicated where on the map.

Laura O'Brien of 37 East Gate Road came to the dais. She said my name was used as this meeting opened as someone who spoke at the last meeting with Donal Walsh. My scope of conversation was only a ten to fifteen minute, superficial conversation. O'Brien indicated the location of her home on the plan, uphill of the proposed cul de sac. She said one of her concerns is the wildlife. Her son saw a large, rare hawk in the yard. She said we have

pileated woodpeckers, turkeys, deer, rabbits, and she handed out photographs. O'Brien's second concern is the water flow, and she showed a photograph of the storm drain between 37 and 35 East Gate Road. We have a lot of water on, around and across our property and a deep trench at the back of our property. Remember that downhill generally points east, O'Brien said. The water divides on my property into three streamlets, which I've marked, and she continued to show her photos. I call all of these streamlets a deep trench. I'm 5 ft. 8 in. tall. The trench runs perpendicular to the hillside, which she indicated on the Drainage Ways Map. I didn't see this in the discussion of the water flow, and she provided more photos of the trench further down the street. This "dumps into what I'm calling a deep hole". Two trenches dump into the same deep hole. It's at least 15 to 20 feet deep, and water does not come out of this hole. Maybe it was an old storm drain attempt, O'Brien said. The applicant said there would only be five cuts. Well, if there's a trench and a hole of this size, that can't be true. I respectfully request that the Commissioners ask for more information. I also request that the Commission investigate the impact of the cuts on wildlife. O'Brien thanked the Commission.

Melinda Wilkins of 5 Mountain Laurel Lane signed in next, saying, "God bless you, Laura; I didn't take any pictures". Wilkins said she's concerned about the fill report. As for blasting, it's "complete nonsense" to ask to come back later for permission to blast. As for the trees coming down, Wilkins said, those trees siphon up water. I'm opposed to it. Wilkins referred to the site visits done by Environmental Land Solutions in spring 2004, November 2004 and January 2005. She suggested they update their report to include a visit when the birds are nesting, such as northern harriers, woodpeckers, bald eagles, plus juvenile eagles and raptors. A database should not take the place of site visits. The Commission should require much more investigation. Wilkins ended with a quote from the Nature Conservancy at 8:39 pm.

Mr. Steve Blake next took the podium, from 10 Mountain Laurel Lane, saying it's "nice to see you again. He's lived at this address about 7 years. Today's the first day of Lent, Blake said, and "I would like you to give it up", but I know you won't do that. Blake told of the trees lost as a result of blasting when his house was built. He discussed the 60 houses, garages, the rocky terrain. "By the way, welcome to Connecticut. There are rocks in Connecticut", and Blake discussed what Walsh had said about blasting. "Let's be very cautious". You call this cluster housing. "I call it a cluster bomb." He discussed the endangered and threatened species, and submitted a list to Ben Chianese. Blake asked the EIC, "I hope we don't lose it on your watch or on any watch". He then submitted an addendum to the previous petition in opposition to the proposal.

Joseph McCarry from 27 East Gate Road signed in. He discussed the water issues and the trees lost. He said the donated western land will become Danbury's problem, and what impact will all this channeled water have? I'd like a study done, McCarry said. He talked about the blasting, retaining walls, and the "need for well thought out decisions".

Ben Chianese reminded all that the Public Hearing will be continued at the next meeting.

Ken Gucker from 89 Padanaram Road came forward and said his house is where the two streams converge at the bottom. He has several concerns. Most of us here were against the Stetson Place project. A tree sucks up 60 gallons of water each day, and there are thousands of trees here less than 12 inches. Regarding blasting and coming back in for permission, that's like closing the barn door after the horse has left. "They are going to find ledge". The "little bit" of blasting at Stetson Place ended up being four years of blasting. "There's no way around it". Gucker said, "I get a good feeling" about this Commission. You should be commended. You've got disturbance areas 60 feet from the property line. About the retaining walls, look at Padanaram Road. Look at Bobby Brown's home; he has 20 to 30 feet high walls in his back yard. There is too much hill, too much water and too much ledge. Get out your architectural scales. Look at the lights from the homes now that the

trees are down. Wildlife will "get all pushed out". "This is it". Please acknowledge that there is going to be blasting. There's a tremendous amount of water, Gucker said, and a tremendous amount of disturbance.

Ben Chianese said that he and Bill Mills had taken a 3 hour site walk. "You've got to go see the landscape for yourselves". Chianese discussed erosion, cuts, hill, loss of slope, his perception of the development, disturbance of that watercourse, the drop of 19 to 20 ft. Bill Mills said I'd say there's 18 feet of fill. Chianese suggested they move that road forward, and clarified where for Paul Fagan on the plan. LeRoy, Chianese, Poppe, Prazeres, Fagan and Mills discussed the amount of fill, piping, the amount to level the road, building up, not down. Chianese requested pictures of the retaining walls. Walsh took the mic again, saying the City's water plan is massive. "I need Mr. Buckley's participation" in this. That's nothing that can be done overnight. There's a time issue here. People may want to call the secretary to see if we'll be here on February 23rd. The gentlemen here from the Swampfield Land Trust, Inc. may want to exchange cards with the Public. Mills questioned Walsh about "a lot of fill". Walsh said, Mr. Mills, we'll look at the whole fill issue. Matt Rose questioned the feasibility of single-family homes here. Walsh said the original approval was for 115 single-family homes. LeRoy asked do we have an extension letter? Secretary Lee said yes. LeRoy said the Earthworks map (dated 1/26/05) is very interesting. An alternative analysis needs to minimize cuts and fills, reduce the wetland impacts, keep away from the unique riverine system, and we haven't seen this alternative. "I haven't seen any alternate other than the plans they are showing", LeRoy said. They are "spinning their wheels in the mud". Bruce R. Lees said they are running out of time. The application was incomplete at the get-go. It seems like they are trying to pressure us, Lees said. Walsh said there's no pressure at all. Mills said he had a question on the cut and fill map, pulling the island out and pushing the houses away from the wetland. Leroy said, again, you are asking for an alternative. Mills suggested they take 4 or 5 houses out. Walsh replied, at the moment, that's being studied by us. Chianese, Lees, LeRoy and Mills talked. Charney said she grew up everyday passing by the site. I'd like to see a reduction in the number of units, given the slope, the great impact of the project, so may intermittent streams. I'd like to see, Charney said, some of those alternatives "in order to move forward on the project". I encourage you to talk to as many City departments as you need to. We need to rely on our other Commissions. Walsh said the access road is a fire issue. He reiterated the description of the pope under the road. Charney made a motion to continue the Public Hearing to the next meeting. Lees seconded the motion, and it carried unanimously at 9:15 pm. (A letter of withdrawal was received from the applicant the following day, 2/10/05).

A motion to recess for 5 minutes was unanimously approved.

OLD BUSINESS:

Oil Mill Road, Parcel A

Regulated Activity # 590

Burtons Bridge, LLC

Assessor's Lot # H15377

Date of Receipt: 12/8/04.

Three-family residence, driveway, swale.

First 65 Days: 2/11/05. Second 65 Days: 4/17/05. Notice of Violation lifted 1/12/05. Chairman Chianese reconvened the meeting at 9:30 pm. Michael Mazzucco, P.E., took the mic, and gave his name and address. Scott LeRoy said yesterday I did a little walk around there, and lifted the Notice of Violation. The pumping hoses were directed right into the slopes to the Still River. It's not going into a de-watering area. Chianese said what do you want us to do? LeRoy said I'm just throwing it out. Mazzucco said I gave Christian the guidelines to construct a de-watering basin, as shown on the plan on the easel (#98034R-3). Chianese said issue a Notice of Violation. Mills said issue a Notice of

Violation and a Cease & Desist Order. "They are not following proper procedure", Mill said, and he made a motion to issue a Notice of Violation. Lees seconded the motion. Keith Prazeres said I want to ask Scott to hold the Cease & Desist Order until our next meeting. LeRoy said they have to prove they don't need to be "babysat". There's a water quality impact right now. They should at least stop that. Mills and Chianese said not a Cease & Desist Order, only a Notice of Violation. Mazzucco, LeRoy, Chianese and Prazeres discussed the sedimentation and erosion controls and the Notice of Violation. Prazeres said he wants to amend the motion that Scott T. LeRoy release the Notice of Violation when he thinks it meets his specifications. Mills seconded the motion. Lees had a questioning on modifying a motion. Mills said, "I accept it". This motion carried unanimously at 9:39 pm. Lees made a motion to table EIC 590. Charney seconded the motion, and it carried unanimously.

12 Great Pasture Road

Regulated Activity # 593

TDRAP, LLC

Assessor's Lot # L16010

Date of Receipt: 1/12/05.

Warehouse/ office building & driveway.

First 65 Days: 3/18/05. Second 65 Days: 5/22/05. Chianese briefly introduced this application. LeRoy said I also stopped by this property when I was out, and talked to a man working there, a contractor, who got on the phone with Mike Mazzucco. Mazzucco said there is still some stuff remaining that has not been removed, some firewood, wood chips, coupe of vehicles, and frozen topsoil piles. LeRoy said give them the benefit of the doubt. He has to flag the wetlands anyway. Charney made a motion to table. Westney seconded the motion, and it carried unanimously at 9:42 pm.

Woodland Hills/Shelter Rock Rd.

Regulated Activity # 592

Ginsburg Development CT, LLC

Assessor's Lot # L14077

Date of Receipt: 12/15/04

Detention basin outlet stabilization.

First 65 Days: 2/18/05. Second 65 Days: 4/24/05. Site Inspection Report rec'd. 1/21/05 re: drainage outfalls. Conceptual Mitigation Plan received 1/25/05. Stream remediation letter rec'd. 2/8/05. Chianese asked LeRoy if he'd been out there. LeRoy replied before the last meeting. Frank Caico of Ginsburg Development, LLC, took the mic, saying tonight we have Glen Moran, Jim Rotondo, Engineer, and Eric Davison, Soil Scientist to speak to you. Caico said I'm happy to report that the remediation work has been done. I'd like to hand out to you a smaller version of ST-1, "Storm Drainage Outfall Location Map", which he did. We had presented a number of alternatives, and Scott T. LeRoy had very good suggestions. We had a very productive meeting with Scott LeRoy. We believe Alternative #7 is the best solution, and we ask the EIC to approve this alternative so we can get going. Caico described what he has ready for tonight's meeting, as requested, which he'll hand out after Jim Rotondo's presentation.

Engineer Jim Rotondo came forward and handed out the new plan, ALT-7, dated 2/9/05. He described the particulars of this alternative, the first in a series of two scour holes, overflow channel, headwall, rip rap, discharge proposal, planting areas within the upland review area, and he incorporated some suggestions from the Commission. Mills had a question on the timetable for completion. Frank Caico came back to the dais and handed out the schedule of various tasks, work proposed, dated 2/9/05; four tasks, which he discussed, referring to Alternate #7 plan on the easel, the anticipated start and completion dates, weather permitting. The areas are flagged as LeRoy requested. He also distributed the "Anticipated Certificate of Occupancy Schedule" for Woodland Hills, Phase V, and graphics of this last phase. At completion, we'll then call Scott LeRoy to come out and do the inspection. LeRoy

had questions on the future reports to be provided before inspections are requested. Chianese had a question on the monuments, permanent markers. Is Task #5 on this list? Glen Moran said obviously that's a spring function. Mills said I'd ask for number 6, to get a final spring remediation report. I wasn't on the Commission during Phase I. Why is the rip rap to remain in the existing channel? Rotondo said this drawing supersedes that. LeRoy asked are these to be the last buildings on the site? Caico said yes, the Building Dept. refers to them as clusters. LeRoy had questions on what they are now proposing. Caico discussed the removal of invasive species, wetland pockets and planting areas. He asked Eric Davison to jump in and explain. Davison took the podium and identified himself at 10:07 pm. He explained the planting areas, the stream bank, removal of invasive species, and changes to the mitigation plan. Caico said we'd be happy to incorporate, as a condition of approval, the one that Mr. Mills pointed out. Chianese said June 8th is our first meeting in June. Can we move this to Administrative Approval? LeRoy replied it's up to you. There's going to be some elaborate conditions of approval. They will come to the June 8th meeting. It will be reviewed by our Engineering Dept. Rotondo interjected that they'd met with Brian Morgenroth in Engineering who said he'd have to get the referral from the EIC or Scott LeRoy. Prazeres made a motion to move this to Administrative Approval. Prazeres asked LeRoy if he'll be working with Mr. Davison, and they talked about getting this work done by June. Mills seconded the motion. Glen Moran said he'd work through some issues I may have such as stabilization, topsoil, soil temperatures, and seeding depending on the weather in May. Chianese said hopefully in the future, GDC will come to us first to avoid problems in communication. The motion carried unanimously at 10:16 pm.

258 Great Plain Road

Regulated Activity # 564R

William S. Coffey

Assessor's Lot # J04011

Date of Receipt: 1/26/05.

Sea wall, walkway, rebuild dock.

First 65 Days: 4/1/05. Second 65 Days: 6/5/05. Comments rec'd. from CLA 2/9/05. Dainius Virbickas, P.E., identified himself on behalf of William Coffey and signed in. Mr. Coffey would like to have use of his waterfront. Virbickas described the letter from the Candlewood Lake Authority (CLA) and the sketch Mr. Coffey had prepared. He addressed some of CLA's comments, i.e., that the proposal was too ambitious, a masonry sea wall versus a stone laid sea wall, "rough natural surfaces" to dissipate the waves actions. The sea wall will be roughly 5 ft. tall or taller. He proposes a meandering path down to the water. Mr. Coffey took photographs of the property and how things are eroding. Secretary Lee said they have those photos. Virbickas said that the CLA had asked Coffee to fix the storm drain on Great Plain Road, which has been actively eroding that slope as long as it's been there. That's what we've proposed on our plans. CLA has not seen these plans yet, Virbickas said, so we'll meet with them again. Prazeres asked Mr. Coffey, are you doing the work? Chianese asked if he's clear-cutting the trees. Bill Coffey replied that he took the advice of CLA's Brian Wood, Operations Manager. I'd like to open up the center, a 20 to 30 foot path with a buffer on either side. A lot of the trees are Hemlocks that are diseased or dead. Prazeres, LeRoy and Lees discussed the need for a tree removal plan and an arborist. LeRoy said the applicant wants to go beyond the 440 line. One can't see the erosion because of the snow. Prazeres said we can't judge that Mr. Coffey will do clear-cutting too. Charney said the CLA letter isn't really very clear. Depending on what the applicant wants to do, we should get this clarified with the CLA, get an arborist and a more defined landscape plan, Charney said. Coffey said I did submit a landscape plan at the last meeting. Charney said I wasn't here. Chianese said there's no Conservation Easement mentioned by the CLA. Coffey suggested the EIC do not do a site walk in the snow due to the steep slopes. LeRoy said I want to treat both applicants the same, that is, Candlewood Pines is a similar location (EIC 576, Seneca Trail). Let's ask for a Conservation Easement, and see what the CLA says, LeRoy suggested. Coffey said I have a meeting on Tuesday with the CLA. Prazeres made a motion to table this. Charney seconded the motion and it

carried unanimously at 10:33 pm.

NEW BUSINESS:

22 Long Ridge Road

Regulated Activity # 596

Carl D. & Susan S. Johnson

Assessor's Lot # J20031

Date of Receipt: 2/9/05. Single-family home, driveway, septic. First 65 Days: 4/1/05. Second 65 Days: 6/5/05. Chairman Chianese introduced this application at 10:35 pm. Ralph J. Gallagher, Jr., Civil Engineer, came forward and clipped the map to the easel. He said the parcel is on 3.9 acres on the west side of Reservoir Road and the east side of Long Ridge Road. Gallagher gave a description of the proposal, the driveway, the portion of Old Town Road, and the upland review area. I should probably let Robin Kahn make her presentation, Gallagher said. Attorney Robin Kahn came forward, identified herself, and said this project proposes "not to disturb anything". Henry T. Moeller will discuss his findings. The road doesn't go anywhere, Kahn said, so there's no sense in improving it. Next, soil scientist Henry T. Moeller took the mic and identified himself. Moeller described the well-drained soils and the old road well defined by stone walls. I looked at the property in the middle of the spring thaw, and the old road bed is already disturbed. The house and septic are on the well-drained upland soils. The driveway needs a layer of gravel or blacktop only. Gallagher said no excavation will be done in that roadbed area. Charney had a question on the wetland boundary, so Gallagher displayed the other plan. Moeller said the stone wall delineates the wetland. Scott LeRoy said I would ask for a blown-up plan with the construction diagram. Also, I looked at the Natural Diversity Database. You need to do a file search for endangered species, LeRoy said. I've referred this to Steven Danzer, Ph.D. Charney made a motion to table. Bill Mills seconded the motion and it carried unanimously at 10:45 pm.

25 Rowan Street

Regulated Activity # 597

Echavarria. LLC / Hat City Homes

Assessor's Lot # I12068, I12069

Date of Receipt: 2/9/05. Affordable Housing - 6 units in 2 buildings. First 65 Days: 4/1/05. Second 65 Days: 6/5/05. Again, Attorney Robin Kahn came to the mic and identified herself. She said this is an Affordable Housing project proposed within 100 feet of the Padanaram Brook. Dainius Virbickas, P.E., set up the plan on the easel. Virbickas identified himself and his address, saying he represents Hat City Homes. He described the vicinity and the existing site, which is over 60% impervious surface. A sanitary sewer easement bisects the back of the property here. The proposal is to remove the existing buildings and a portion of the blacktop. There will be two buildings housing six residences with parking behind each unit. The site has sanitary sewer and water. Virbickas said we are decreasing the amount of runoff from the site, so no drainage system is proposed. We propose a grass swale discharge to the sanitary sewer easement and to the watercourse behind the property. All work will be forward or to the western portion of the site. Mills asked, you say you're reducing the impervious surface so no stormwater treatment system is proposed. Prazeres asked wasn't there a similar proposal on Hayestown Road recently? LeRoy asked about catch basins and enhancing the wetlands. Is there no way to get stormwater infiltration onto this site? Do you propose salt-tolerant plantings? Virbickas replied the only way for infiltration would be to dig a trench. We're just impacting about 2600 sq. ft. in the 100-foot buffer area. LeRoy asked do you have any other good ideas? Lees asked about permanent wetland monuments. Charney made a motion to table. Mills seconded the motion, and it carried unanimously at 10:55 pm.

Danbury Railroad Station

Regulated Activity # 598

Date of Receipt: 2/9/05. Replacement of East Ditch storm sewer. First 65 Days: 4/1/05. Second 65 Days: 6/5/05. Scott LeRoy suggested the EIC move this City project to Administrative Approval. Charney made a motion to move this to Administrative Approval. Prazeres seconded the motion and it carried unanimously.

17 Aspen Way

Regulated Activity # 540 R

John Bruno (Cosmo Mazza)

Assessor's Lot # L04006

Date of Receipt: 2/9/05. Dwelling, driveway, well, septic. First 65 Days 4/1/05. Second 65 Days: 6/5/05. The City Engineering Dept. requested revision to the previous plan. Steve Sullivan, Engineer, with CCA, LLC, in Brookfield identified himself and his address. He said John Bruno is in the audience. Sullivan said I'll show what was approved in April of 2004 and what we propose now. The Engineering Department requested we extend that pipe 30 feet to bring the discharge point past the adjoining neighbors' property. The builder did receive a building permit, Sullivan said. Prazeres and LeRoy discussed the old proposal versus the new proposal. Prazeres asked did Steve Danzer look at the old proposal? Sullivan and LeRoy talked about the square footage. LeRoy said he'd do the report. Prazeres asked can we move this to Administrative Approval? LeRoy replied, since there already was a permit, yes. Prazeres made a motion to move this to Administrative Approval. Charney seconded the motion, and it carried unanimously at 11:03 pm.

Plumtrees Road

Regulated Activity # 319 R

Plumpar, LLC

Assessor's Lot # M12003

Date of Receipt: 2/9/05. Storage of equipment & building materials. First 65 Days: 4/1/05. Second 65 Days: 6/5/05 (formerly KILCO, LLC). Benjamin Doto, III, Professional Engineer identified himself and took the mic. He described the previous approval, saying a couple of changes are required, which he enumerated. Prazeres asked, isn't that a car lot? Doto replied, yes, that is what it is used as now. The sanitary sewer has to come out there. Cars have replaced some of the truck parking. Traffic Engineers requested the dumpster be moved on the site. Scott knows more about this than I do, Doto said. Chianese asked are there violations on the site now? LeRoy answered no, not now. Craig Westney made a motion to move this application to Administrative Approval. Charney seconded the motion, and it carried unanimously at 11:12 pm.

32 Oakland Avenue

Regulated Activity # 599

Investor Property, LLC

Assessor Lot # I11050

Date of Receipt: 2/9/05. Two 3-bedroom condominium buildings. First 65 Days: 4/1/05. Second 65 Days: 6/5/05. Dainius Virbickas, P.E. again identified himself and his firm, saying he represents this applicant. Virbickas described the vicinity and the parcel, and the history of it. It is highly disturbed now with no drainage, but it does have City water and sewer. The proposal is to construct two condominium homes, each with two-car garages and one visitor parking space. This is within 100 feet of the Padanaram brook. The site is very flat, and portions of it are in a flood plain, Virbickas said. We propose to swale the water off via a stone-blanket trench grassed over on the top. We propose to landscape the two homes. Chianese asked what's the distance between that similar application (EIC 602, Casali, 28 Oakland Avenue) and this one? Virbickas said I knew you were going to ask that. With this one, we're about 120 feet away from Padanaram Brook. The front yard setback requirement limits how close to the front we can place these. Scott LeRoy said to Chianese and the Commission, you treat each application on its merits. Charney and Chianese

discussed the differences and similarities of the two Oakland Avenue applications tonight. Chianese asked what zone is this, and if the proposed buildings are marked, flagged? Virbickas said it's RMF-4 Zone. Mills asked are there any alternatives you can come up with? Virbickas replied some plantings, I suppose. LeRoy and Virbickas discussed the Padanaram Brook and the location on the opposite side of the highway. Prazeres asked, "Could you slap in a Vortech unit?" Virbickas answered no, because it's so flat. Charney made a motion to table this. Rose seconded the motion, and it carried unanimously at 11:17 pm.

Wibling Road – Danbury Airport

Regulated Activity # 600

City of Danbury

Assessor's Lot # G18001

Date of Receipt: 2/7/05. Reconstruction of parking area. First 65 Days: 2/1/05. Second 65 Days: 6/5/05. Lees made a motion to table this discussion. Rose seconded it, and the motion carried unanimously.

NOTICE(S) OF VIOLATIONS / CEASE & DESIST:

Follow-up to Notice of Violation, 9/23/04, to Jerome J. Bigelow, 46 Payne Road, Lot # M13005. Cease & Desist order, 10/6/04, to Bigelow, by Timothy Bunting, Assistant Zoning Enforcement Officer. 12/8/04 EIC voted to allow Bigelow to remove the topsoil, and have a Phase I Environmental Study performed. Chianese introduced this topic at 11:19 pm. Attorney James Jowdy identified himself and his address, and took the microphone. Jowdy said I understand maps were requested at the last meeting, and he discussed the purpose of this request. Formerly the topsoil was stored here for resale, Jowdy said, as a courtesy to a friend, from April to October when the Notice of Violation was issued. Mr. Bigelow was not engaged in any business activity. It was merely an accommodation to a family friend. Mr. Moeller has some maps that may help, Jowdy said. LeRoy interjected the issue was the work done without permits. Henry T. Moeller took the dais saying, as I stated at the last meeting, the fill has been there since before 1985. He showed 3/21/85 photographs to Scott LeRoy. Moeller and LeRoy reviewed the photos, some "not real clear". The permits have been either lost or are unavailable, Moeller reported. I can order a blow-up of the photo. Chianese asked can we keep these photographs? Charney said I'd rather have them blown up. LeRoy asked do you need a little more time to show that? Were you able to interpret them? Moeller discussed the "extremely expensive" photos with LeRoy. He said the building was there before 1980. Prazeres asked, "Is there anything we can do now?" Moeller said my client will be doing some more digging. Rose asked, in either case, what would be the remediation? Jowdy said we'll make available all the maps the EIC wants. Charney said once that information is before us, we'll be able to make a determination. LeRoy said the Tax Assessor's map shows vegetation at the back of that building, and there scarring in some on the photos and not in others. You need a permit to fill near a wetland, LeRoy said. Charney and Chianese asked can we move forward with this? Chianese said you have until the next meeting on March 9th, or you have to put it back the way it was. Prazeres said I recommend that Scott T. LeRoy review everything. Charney said should I motion to table? Westney said there's no need for a motion, and the discussion was concluded.

Follow-up to complaint letter, 12/1/04, re: Krauss, 126 West King Street, from DellaSorte. 12/22/04 S. LeRoy sent certified letter re: violations. Issue opened at 1/12/05 meeting. Chairman Chianese said we'll continue this unless Scott T. LeRoy has something to add. LeRoy did not.

Follow-up to Notice of Violation 12/14/04 to City View Farm, LLC, re: 80-82 Brushy Hill Road (Kenneth Kovacs - EIC **222**). Request to **table** till 2/9/05 received 1/25/05. LeRoy said

that Dom Chieffalo is working diligently on this.

Follow-up of Notice of Violation and denial, 12/10/04, to William S. Coffey, Jr., 43 Beaver Brook Road, EIC **585**. Dainius Virbickas, P.E., identified himself again. He asked the EIC to be patient with Mr. Coffey. Chianese said the request tonight to move this up on the agenda was denied. Mr. Coffey said he was having trouble coordinating the issues with Mr. Virbickas. Discussion concluded at 11:36 pm with Mr. Coffey saying, "Good Night. Enjoy your chocolate."

APPLICATIONS FOR ADMINISTRATIVE APPROVAL:

Jeffrey Court & Hospital Avenue Regulated Activity # 595

BRT General Corporation Assessor's Lot # J11215,J11216,J11217,J11218

Date of Receipt: 1/26/05. Hillside Gardens, 28 apartments in 3 buildings. First 65 Days: 1/26/05. Second 65 Days: 4/1/05. Admin.Approval requested. Chianese said due to the late hour we will table this till the next meeting.

ADMINISTRATIVE STAFF ACTIONS:

Ironwood Drive Regulated Activity # 471

Sharon Jacobellis Assessor's Lot # C11002

EIC Permit transferred from Diana DeFabritis, approved 10/9/02, to Sharon Jacobellis, new owner. This has been done administratively.

CORRESPONDENCE:

Chairman Chianese read the following items as Secretary Lee handed out the correspondence to the EIC Commissioners:

Letter from State DEP dated 1/26/05 re: safety maintenance required at Lees Pond Dam, Wooster Heights Road.

Letter from The Outing Club dated 1/30/05 re: National River Clean-up Week, 5/21/05, The Still River.

2005 Municipal Inland Wetland Commissioners Training Program in 3 segments @ \$50 per course session. Scott LeRoy said Segment I is really simple.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS:

Distribution of EIC Regulations Update Draft prepared by Corporation Counsel Robin Edwards. EIC will re-convene Regulations Update Workshops including fee schedule review. Chianese said Corporation Counsel has reviewed these. You should take your time to review them. We should also attend that fee workshop (May/June 2005- Segment II-State of Connecticut DEP Municipal Inland Wetland Commissioners Training Program offered at \$50 at five CT locations).

Next Regular EIC Meeting scheduled **2/23/05** at 7:30 pm. JoAnne Read will cover

Secretary Lee at this meeting.

1 Scuppo Road / Samuels Court

Regulated Activity # 594

Alderhouse Residential Communities Assessor's Lot # F14073

Date of Receipt: 1/26/05.

36 Garden apartments in 2 buildings.

First 65 Days: 4/1/05. Second 65 Days: 6/5/05. Public Hearing to open **2/23/05**. Bill Mills said we did a site walk on Scuppo Road. Can we ask him to flag the wetlands and mark where the buildings are going to go before the Public Hearing opens? Scott LeRoy replied, "No problem".

ADJOURNMENT:

Matthew N. Rose made a motion to adjourn. Craig Westney seconded the motion and it carried unanimously at 11:42 pm.

Respectively Submitted,

Patricia M. Lee, EIC Secretary