



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENVIRONMENTAL IMPACT COMMISSION
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EIC MINUTES

June 8, 2005

Common Council Chambers

Chairman Ben Chianese called the meeting to order at 7:42 pm.

Members Present: Ben Chianese, Craig Westney, Kevin Russell, William Mills.

Members Absent: Bruce R. Lees, Thomas Pinkham, Jr. , Matthew N. Rose, Keith Prazeres (Prazeres resigned 6/1/05).

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

ROLL CALL:

Commissioners identified themselves right to left. Mills made a motion to accept tonight's agenda as presented. Westney seconded the motion, and it carried unanimously.

NOTICE(S) OF VIOLATIONS / CEASE & DESIST:

Continue to 5/25/05, 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. Letter from Environmental Planning Svcs. rec'd. 4/13/05. Corrections on-going, same as last time, per S. LeRoy. LeRoy said I haven't talked to the client in the last couple of weeks. They were supposed to provide a plan. I'll call them and find out the status of that, LeRoy concluded.

Follow-up to Notice of Violation 12/14/04 to City View Farm, LLC, re: 80-82 Brushy Hill Road (Kenneth Kovacs - EIC **222**). Survey and soil study required, per S. LeRoy 4/27/05. Area map rec'd. 5/19/05 from M. Mazzucco. 5/25/05 No quorum. LeRoy said the attorney and I spoke about three weeks ago. They are attempting to stake the property. This is a 39-acre parcel abutting Tarrywile. I plan to walk the site with the Tarrywile Park Authority. Chianese asked if there's any reason he couldn't have staked it all. LeRoy said I don't know. Chianese said I'd like to make a motion to give them until 6/15/05 to stake the property. Then, ask Corporation Counsel if we can fine them \$100 per day after that. Mills said, looking at the data when these Cease & Desist Orders were issued, I'm upset that we still haven't done anything. It "goes on and on and on", and they don't ever bother showing up. It seems to me, Mills said, it isn't working. LeRoy said that isn't really fair. Look at the dates. You can't see anything in winter. Deal with each applicant individually. The cost of litigation costs the City money and time and effort. A judge will stay it and say, "Go work it out". LeRoy discussed court action, stating that judges later will waive all fines. "Collection has always been a problem", and the fine goes to the court, not the town. The City has to

hire an attorney. Westney suggested we move to **table** this until the next meeting and forgo the fines. It "seems reasonable" to get an update on 6/22/05, Westney said. LeRoy said, "Part of it is they think they know where their lines are". I'll have him at the next meeting. Mills said we should treat Bigelow the same way. Chianese said the wetlands need to be flagged by the 6/22/05 meeting.

Follow-up to Notice of Violation and denial, 12/10/04, to William S. Coffey, Jr., 43 Beaver Brook Road, EIC **585**. REMA to prepare remediation plan for 6/8/05. 5/25/05 No quorum. LeRoy said to the Commissioners I'll let them talk to you. Dainius Virbickas, P.E., took the mic and identified himself, stating he is speaking on behalf of Mr. Coffey about the work done without permits. For clarity, Virbickas said, I've highlighted in green the wetland line, as done by Mary Jaehnig, Soil Scientist, in 2004. Virbickas discussed the wetland vicinities. Mr. Coffey has been working to remove the soils. I haven't been able to get out to the site, Virbickas said. The important thing was waiting for the report from REMA Ecological Services, LLC. I've got a soil scientist, George Logan, here tonight with a report. George Logan, MS, CPWS, CE, took the mic and identified himself, and listed the degrees he has achieved. He said with him tonight is Ms. Sigrun N. Gadwa, Ecologist and Soil Scientist. In March and April, we went out there. On May 19th, just after your last meeting, we were able to go out and do our report. Sigrun N. Gadwa identified herself and listed her qualifications as ecologist and soil scientist. Gadwa discussed the hillsides, maples, oaks, recreating the forest, the steep slopes, the rows of mature hardwood which will rain seeds down. There will be hundreds of seedlings, therefore, coming up. Gadwa said the "game plan" includes planting larger size purchased stock, pin oaks, with topsoil, fertilizer, top dressing, and transplanting the excess seedlings throughout the entire southern portion of the site. Details of how one does that are "all in the plan". One other component of the plan is there will be lots of willows, and we'll take out the small patches of phragmites. We'll follow-up for three years. I saw one purple loosestrife plant with some seedlings, Gadwa said. We'll use a wet meadow seed mix along the edge of the hillside. There is "such a treasure trove of" planting stock on the site already. Gadwa said my opinion is that you get better retention on a terrace rather than a slope, and she explained why. There are excellent and conscientious sedimentation and erosion controls there now being maintained by the Coffeys. We have every expectation that there will be a good forest there in eight years, Gadwa concluded. Chianese asked how long will it take to do this, and would you be the one maintaining the plantings. Gadwa said everything can be done in the fall; maybe in the fall before they lose their leaves. I will probably not be the one maintaining the plantings, but I would train that person. George Logan explained his phone messages this afternoon about previous wetlands being created. Logan gave the good news and the bad news regarding the history of the site and the current planting plan (dated 6/8/05). We hope to trap some additional water and add the moisture via a level spreader. Logan discussed the plan at length. LeRoy told the Commissioners I wanted you all to see the photos from 1995. That area was in violation in 1995. We need a final plan on a survey and an engineering report, LeRoy said. Seeding and planting won't help the neighbor's property being undermined. Less disturbance is better, LeRoy said. An option is to not pull the fill out and to have a Conservation Easement, if he'd agree not to use it, maybe somewhere in the middle. LeRoy discussed this, the Conservation Easement, the mitigation with Ben Chianese. Chianese said taking out the fill will cause further damage. Mills said what bothers him is that the filling going on since 1995 has changed somewhat the course of the Still River. "I'm not satisfied", Mills said. LeRoy said, "I think it's a good start". Logan said a Conservation Easement, that's a good question. Billy Coffey is here. It's something we need to discuss, while not under stress. We'll "get you an answer before the next meeting", Logan said. There was also a question of the wood chips making it down to the wetlands. The chips were taken out. Call it dumb luck, Logan said, but when we're dragged in to address a violation, that was not the case here. There was a "slight encroachment". Some slopes may have been "healed over". "We're not married to this particular plan", Logan said, and we're open to entertaining any of these ideas. Chianese said Mr. LeRoy should work closely with the applicant.

Cease & Desist Order sent 4/19/05, 258 Great Plain Road, Regulated Activity # **564R**, William S. Coffey, Assessor's Lot # J04011. Admin. Approval by S. LeRoy 3/14/05. Complaint ltr. rec'd. from CLA 4/15/05. Coffey presented seawall engineering plan to be reviewed by L. Null. 5/25/05 No quorum. There is no new information from Leo Null. Bill Coffey, Sr., said he'd call Mr. Null. Chianese asked where's the engineering report? LeRoy took the microphone and asked if the Commissioners have copies of the map received today, 6/8/05, that the Candlewood Lake Authority had commented on. Leo Null is still working on his report, LeRoy said. He crosses every T and dots every I. Chianese said, again, what's taking it so long? LeRoy discussed what is shown on the 6/8 plan. Whatever the Candlewood Lake Authority (CLA) wants, "I'll let them have their way". "They do seem to make sense", LeRoy said. Coffey wants a Certificate of Occupancy. "There's no real delay". He's done a lot in the last two weeks, LeRoy said. Bill Coffey, Jr., took the podium and identified himself. Regarding Chairman Chianese's question on the delay, my engineer has been in Leo Null's office three times. Brian Wood (CLA) just got married. Coffey discussed what Null recommended he do to the wall, with riprap "as per the engineer's detail". Coffey said, "I apologize for not doing it right the first time." LeRoy said, when Leo Null gives him the 'go ahead', he should be able to finish the work. Chianese said the EIC did give Scott LeRoy the right to approve this without coming back. Scott LeRoy can make the determination. It could come off the agenda completely by the next meeting, Chianese said.

Notice of Violation sent 5/23/05, 5 Cedar Drive, Patricia K. Bragdon, Assessor's Lot # J04110, seawall without permit, Candlewood Lake. Chairman Chianese introduced this new item. Scott LeRoy said he sent one of our part-timers out (Ed Siergiej) to this site, and Ms. Bragdon is here tonight. The work, much like Mr. Coffey's, was already done. Sometimes when it's a short wall, under 3 ft. tall, the Building Department says no permit is needed. But a sea wall always needs a permit. Patricia Bragdon took the microphone and said I've been a resident of Danbury all of my life. To me it was a landscaping wall down by the Lake; "They did a real nice job". City Hall said we didn't need a permit, Bragdon said, just a C.L.& P. permit. My husband got the C.L.&P. permit. It's two and a half feet high. No trees were taken down. The wall is not in the water nor near the water. To me, it's a cosmetic landscaping wall, she said. Her husband and LeRoy spoke inaudibly. LeRoy came to the mic. He said I am asking for before and current photographs. And I'm asking you to contact the Candlewood Lake Authority, Brian Wood, like the previous gentleman. Chianese said have the applicant submit an application for Administrative Approval. LeRoy clarified the jurisdiction of the DEIC, the C.L.& P., and the C.L.A. Ms. Bragdon said the wall is almost done. There's about a foot left to go. Chianese said, so you don't have to come back, pay all the fees, do the Administrative Application, and Mr. LeRoy will do the report.

PUBLIC HEARINGS:

88 South Street (Botelho)

Regulated Activity #603

Danbury Victorian Associates

Assessor's Lot # J15245. RMF-4 Zone.

Date of Receipt: 2/23/05

Fifteen 3-bedroom townhouses.

First 65 Days: 4/29/05. Second 65 Days: 7/3/05. New wetlands location & revised application rec'd. 3/9/05. S. LeRoy did site walk 3/22/05 and 5/ /05. Extension ltr. rec'd.4/21/05. Soil scientist report rec'd. 5/4/05. Rev.maps 5/25/05 (no quorum). Grading, utilities, landscape, lighting plans rec'd. 5/31/05. After a five-minute break, the Commission reconvened at 8:47 pm. Chianese announced that a corrected agenda is being handed out with two items under New Business, EIC 616 and EIC 617. Chianese discussed the procedure for Public Hearing, intending to allow 15 minutes to the applicant, 15 minutes to the Public, and 15 minutes more to the applicant. Mark Kornhaas, P.E., took the mic at 8:50 pm and identified himself and his address. We'll go to what we've recently submitted, that is, a reduction in units, and a substantial landscaping and planting plan. There is a little

more than one to one mitigation, cross sections, another overflow basin has been added (now two), the pipes, swales, a "good safety feature". Chianese asked for clarification of which plan. Kornhaas explained. There is over 7600 sq.ft. of enhancement mitigation over what you had before. "It's going to function well". Chianese questioned the amount of impervious surface. Kornhaas replied it has gone from .75 acres impervious surface to .62 acres impervious surface now. It's still under an acre. Also, we have a letter from our landscape architect & environmental planner to answer Mr. LeRoy's questions. Chianese and LeRoy asked about a Conservation Easement. Kornhaas said we can talk about that. The owner is the developer so there will be no condominium association. Kornhaas discussed the Conservation Easement area for passive recreational activities with Ben Chianese, Botelho and LeRoy, including a picnic table for use by the tenants. Kornhaas said there will be garbage removal and individual trash pick-up at each building using a small vehicle. Chianese said he'd now turn the Hearing over to the Public. Mr. George Francomano from Colby Lane took the mic and identified himself and signed in. Francomano said it "looks to be good" and "I'm satisfied". Chianese asked three times if there are any members of the audience who wish to speak for or in opposition to this request, and there were none. He asked if the Commissioners had any questions. Mills said I like this latest proposal. LeRoy said I have yet to see these new plans. I'll prepare a report. I recommend you not close the Public Hearing, LeRoy said, until after my report, as this "makes it cleaner". Kornhaas said we will add the Conservation Easement and put it on the map by the next meeting. Mills made a motion to **continue** the Public Hearing to the June 22, 2005, meeting. Westney seconded the motion, and it carried unanimously at 9:02 pm.

Saw Mill Road – The Reserve

Regulated Activity # 607

Woodland Group II, LLC

Assessor's Lot #A16002,C16012. PND Zone.

Date of Receipt: 3/23/05.

280 Rental housing units in 7 buildings.

First 65 Days: 5/27/05. Second 65 Days: 7/31/05. **Phase 1, phase B Housing.** Revised drawings, maps, calculations rec'd. 4/22/05. New watercourse area mapped by soil scientist as per site walk 4/25/05. Revised site plans and mitigation report rec'd. 5/24/05. 5/25/05 No quorum. Extension letter rec'd. 5/26/05. Paul Jaber, Attorney at Law, identified himself and his address. Then John Block, P.E., identified himself from Tighe & Bond, saying he wants to go over these revisions quickly. Chianese commented that he and Mills had done a site walk on 5/11/05. Block said the revisions include a new mitigation plan, some wetland creation in two locations, mitigation plantings around this wetland, and the roadway alignment has been shifted east. Jodie Chase has revised her wetland planting and enhancement plan. Joe Canas came forward and identified himself as a licensed professional engineer with Tighe & Bond in Shelton, CT. He said he accompanied Mills and Chianese on the site walk, and he'd like to respond to some of their concerns at the site, using plan C-04, wherein the pink line shows the previously approved development. Mills and Chianese had questions on the flags they saw: the flags were in a straight line, but the map shows jogs (plan C-04). Canas addressed Mills' question. Tony Lucera identified himself and cleared up the confusion. Chianese asked about a Conservation Easement for this phase. Lucera answered that there is a Conservation Easement for 545 acres, the entire site, and it's been recorded. The one Conservation Easement for this phase has not been recorded, Lucera continued. LeRoy said that Conservation Easements are usually recorded at the time of the C.O. Joe Canas next discussed the trees. Chianese said I recommend that the trees be saved. Lucera commented, "Bill already had dibs on the wood." Canas continued discussing the pipes, areas that could potentially be watercourses; by Building 7, according to Matt Popp. Canas said that actually was a deer path. We're building retaining walls here, answering Mills' question. Canas discussed the drainage way between Building 1 and 2. Mill said our concern was it could create a problem in a peak storm event or icing. "It seems you've addressed that". Chianese added we spent three to four hours on the site walk. Next, Jodie Chase identified herself and discussed the wetlands

in the revised plan. They will maintain the existing wetland corridor, as LeRoy had recommended, including plans for wetland enhancement, ferns, native shrubs, with increased diversity and value east of Building 7 (EIC-0004 Plan), upland areas with a variety of native species, a "scrub shrub forested wetland area". Chianese asked LeRoy, why is that better? Jodie Chase answered Chianese's questions regarding the proximity to areas of disturbance, the moderate slopes; it's a better idea, and Steve Danzer recommended it as well. How do you plan to keep bugs & mosquitoes down, Chianese asked. Will there be fountains? Chase said people have no right to complain if they decide to live there. Lucera explained that is running water. LeRoy said this type of environment has mosquitoes, dragon flies, bugs, flies, but does not proliferate them. They are opening areas to the wind and sun. Chianese asked about fencing and signage. Lucera and LeRoy explained the point of a wildlife corridor is to keep it open. Lucera said signage can be added to the drawings. Chianese asked why can't the crossing be closer to Building 7. Canas displayed plan EIC-006 and explained the reasons why it's there: a beaver dam and invasive species have compromised this area, and there are grading issues. Mills had a question on the temporary crossing. Chase answered we have a permanent planting plan for the temporarily disturbed area. Atty. Jaber said that's all we have. Chianese asked if there are any audience who wish to speak for or in opposition to this request, three times. LeRoy recommended they wait to close the Public Hearing in order to get his report on the record. Chianese said he strongly recommends the Commissioners do a site walk. Lucera gave his phone number and said he'd make himself available. Mills made a motion to **continue** the Public Hearing. Westney seconded the motion, and it carried unanimously at 9:30 pm.

OLD BUSINESS:

22 Long Ridge Road

Regulated Activity # 596

Carl D. & Susan S. Johnson

Assessor's Lot # J20031. RA-80 Zone.

Date of Receipt: 2/9/05

Single-family home, driveway, septic.

First 65 Days: 4/1/05. Second 65 Days: 6/5/05. 2nd extension letter and request to table till 4/27/05 rec'd. 4/11/05. Revised sewage disposal plan received 5/10/05. Report from Dr. Klemens rec'd. 5/27/05 & extension granted to 6/15/05. Revisions & alternate plan rec'd. 5/31/05. Chianese said he understood at the 5/25/05 EIC meeting, that Scott LeRoy was going to recommend this go to Administrative Approval. LeRoy came forward and said we have Mr. Klemen's report. I will read from his report and make recommendations, which he did. LeRoy discussed the driveway vs. roadway, the wetlands, box turtle, hand-clearing the site first, the silt fence, and a limit to tree clearing. Will those recommendations be implemented, LeRoy asked. Ralph J. Gallagher, Jr. and Attorney Robin Kahn are here tonight. Gallagher came to the podium, saying the old Reservoir Road right-of-way can be used to mark the limits of disturbance. The revised plan shows the limit of the clearing, and he showed this to LeRoy. Mr. Johnson, Scott & Ralph discussed the plan. LeRoy said all information appears to have been incorporated into the plan. I'll come up with some conditions of approval. Gallagher described the undesirable alternate plan. Mills made a motion to **move this to Administrative Approval**. Westney seconded the motion, and it carried unanimously at 9:37 pm.

Indian Spring Road – Parcel B

Regulated Activity # 613

John DeGross

Assessor's Lot # K07020, RA-40 Zone.

Date of Receipt: 4/27/05.

Single-family residence.

First 65 Days: 7/1/05. Second 65 Days: 9/4/05. CCA, LLC. Soils report and erosion control

plan rec'd.5/24/05. Sewer plan & alternate plan rec'd. 5/31/05. Matthew Scully, P.E., identified himself and took the microphone at 9:38 pm. He said Henry T. Moeller did the original wetland flagging. Michael Klein visited the site in early May. I've submitted his report, Scully said. We have not changed the driveway location due the wetlands. "We held the more conservative line". LeRoy asked is there no mitigation? Can you describe the wetlands? I have not seen this area. Scully replied there are only 85 sq.ft. of wetlands, and no mitigation is proposed. John DeGross came forward and identified himself. He said the neighbors were using this land as a dump site. We haven't touched any of it. "We'll go back in and clean this up." LeRoy asked for a planting plan. John DeGross, using sheet E-1 on the easel, said I've no problem with a planting plan. LeRoy asked the EIC do the Commissioners want a Conservation Easement. He explained what this is to DeGross. DeGross said a Conservation Easement is not an issue for me. Chianese asked should we move this to Administrative Approval? Mills motioned to **move EIC 613 to Administrative Approval**. Russell seconded the motion, and it carried unanimously at 9:44 pm.

Old Forty Acre Mountain Road-Parcel B Regulated Activity # 614

Curt Verdi – Verdi Construction

Assessor's Lot # K04199 (portion)

Date of Receipt: 4/7/05.

3 Lots, homes, wells, septic. RA-80 Zone.

First 65 Days: 7/1/05. Second 65 Days: 9/4/05. Tabled to 6/8 by M. Mazzucco. Alternate plan received 6/3/05. Chianese introduced this application. Michael Mazzucco, P.E., came forward and identified himself. He displayed the map #01071 on the easel. Mazzucco said we did submit this plan to the Planning Dept. and asked for their approval under a waiver. They have sent it to the Engineering Dept., so we are waiting. So until Jennifer L. Emminger, Associate Planner, gets their feedback, I'll ask you to table it. Mills made a motion to **table** this. Westney seconded the motion, and it carried unanimously at 9:46 pm.

NEW BUSINESS:

37 Ironwood Drive

Regulated Activity # 616

William A. Asmar

Assessor's Lot # C11018, RA-40 Zone.

Date of Receipt: 6/8/05.

Single-family residence.

First 65 Days: 8/12/05. Second 65 Days: 10/16/05. Soils report rec'd. 5/24/05. Ralph J. Gallagher, Jr., identified himself, saying we've come to this Commission for consideration since we're in a regulated area. There is sort of a substance wetland to the rear of the property. Gallagher described the vicinity: it backs up to a brook that runs through Richter Park. "The soils tested very well", Gallagher said. A 40 ft. minimum setback to the front is required. Wetlands are located in the north and east quarter of the lot. Gallagher showed the wetland flags and the 100 ft. regulated area on the map. Chianese had a question about a Conservation Easement. Gallagher said we can discuss that; "you can make him go for that". LeRoy said it's in the West Lake Reservoir watershed in answer to Gallagher's question. Gallagher said we'll have that for the next meeting. LeRoy asked is it a vernal pool or not? Gallagher said, "Okay. Can do." LeRoy asked for a planting plan where feasible and a seepage analysis and an endangered species report. LeRoy and Gallagher discussed the wetlands, the distances, and the species report. Chianese had a question on the distance from the wetland to the house. Chianese asked if there's to be an in-ground pool. Gallagher said no pool. Mills asked is it flagged. Gallagher said it may have to be re-flagged; it was done over a year ago. ESM Associates probably did the flagging. Gallagher said he would have it re-flagged. Mills made a motion to **table** EIC 616. Russell seconded the motion, and it carried unanimously at 9:55 pm.

Olympic Drive**Regulated Activity # 617****Twenty Six-Four Olympic Drive, LLC** Assessor's Lot # F21005

Date of Receipt: 6/8/05.

9-lot residential subdivision, RA-80 Zone.

First 65 Days: 8/12/05. Second 65 Days: 10/16/05. Dainius Virbickas, P.E., identified himself to the Commissioners at 9:56 pm. He represents the subdivision of this 24.2 acres of land into nine lots. Virbickas described the vicinity and the property as "very challenging". It's steep in some areas. There are five acres of wetlands, ranging from two ponds, which he showed on the map, and wetlands undulates in the southeast portion, another wetland fans to the west and the north end of the property. Surveying Associates, P.C., Virbickas said, "laid it out as best they could" for nine lots, each 2 to 2½ acres in size. There is an open space parcel proposed that follows a trail through the site. The soil testing varied. "We hit ledge", Virbickas said. A road with a 10% grade is proposed. Most of the driveways are steep. There are hills and valleys "all over the place". Virbickas discussed the three stormwater detention systems that are proposed for a 25-year storm event, which we propose to berm up to hold more water and control runoff. The discharges do go along natural channels. Each home will have its own septic. This proposal is "quite a big undertaking". Virbickas suggested that the EIC go out and see the property. Chianese asked are the wetlands currently marked. Did you submit a cut & fill map? Virbickas replied that the wetlands were marked probably a year ago, and may have to be reflagged and marked as needed. He said he'd get a cut & fill map. LeRoy asked is the grading shown on the map. Virbickas showed him the grade map; "It's a majestic property". Chianese, Virbickas and LeRoy discussed how to get there. Joel Urice spoke from the audience with directions. LeRoy said I've looked at this area a couple of time, and I'm reading the soil scientist's report. It's a "tough site", "a rugged site", LeRoy said. It "looks like they are trying to find" places for residences. LeRoy recommended a Public Hearing. Chianese said basically I know that area. Let's set a date now for a Public Hearing. LeRoy and Chianese agreed on the second meeting in July, 7/27/05. Mills made a motion to **move EIC 617 to Public Hearing** to open 7/27/05. Westney seconded the motion, and it carried unanimously at 10:11 pm.

ADMINISTRATIVE STAFF APPROVALS:**3 Eagle Road / Houlihan's****Regulated Activity # 608****Contemporary Environmental Management, LLC** Assessor's Lot # L11021a

Date of Receipt: 4/13/05

222-seat restaurant, CL-10 Zone

First 65 Days: 6/17/05. Second 65 Days: 8/21/05. Revisions to 7/2000 approval. Administrative Approval done by Scott LeRoy 5/19/05. Chairman Chianese read this at 10:12 pm and said to see Scott LeRoy for the full report.

CORRESPONDENCE:

The following items were distributed to the EIC Commissioners, and read by Chianese:

Letters from Artel 5/17/05 and 6/8/05 to EIC re: flagging and project status, **EIC 570**, 36 Kenosia Avenue (EIC approved 11/10/04).

Letter from State DEP dated 5/20/05 re: **EIC 524**, The Reserve-Phase 1C –phase 3, Baseball Stadium: proposed detention basin dam will not require DEP dam permits.

Aquatic Pesticide State Permit Application to Danbury for Swan Lake (Kenosia area); June &

July applications by Lycott Environmental, Inc.

Aquatic Pesticide State Permit Application to Danbury for 22 Shelter Rock Lane for Shelter Rock Business Center, LLC; June application by Northeast Tree, Pond and Turf Service, Inc.

Resignation letter rec'd. 6/1/05 from Alternate Keith Prazeres following WCSU increased commitments.

EIC ADMINISTRATION, OPERATIONS & FUTURE AGENDA ITEMS:

EIC **573**, 252 Great Plain Road, Richard & Deborah Mikelic. Cease & Desist Order 8/19/04, EIC denial 9/8/04, Lot #J04148. Notice of Violation sent 9/22/04. Legal Appeal of EIC decision rec'd. 9/22/05. Executive Session 1/26/05. Item to Public Hearing to open 9/14/05. LeRoy said we're to discuss the date only. Mills asked is a half hour enough? Chianese suggested starting at 7 pm for this litigation. Mills made a motion to hold an Executive Session prior to a Public Hearing at the next meeting 6/27/05, starting at 7 pm. Russell seconded the motion, and it carried unanimously.

Bill Mills asked about EIC **570**, Kenosia Avenue Realty, LLC, 36 Kenosia Avenue; did they go into the Mill Plain Swamp? Chianese discussed this with LeRoy. Mills concluded, "They did a nice job."

EIC **592**, Shelter Rock Road, Woodland Hills, GDC, Detention Basin Outlet Stabilization, Scott LeRoy discussed project progress 6/2/05, per approved plan with GDC (phone). LeRoy took the mic and said you had asked GDC for an update, so they are here tonight. Glen Moran, GDC Executive Project Manager, introduced James Cowan, a soil scientist and certified wetland scientist, who identified himself. Cowan said I'll start by submitting the progress reports. There are plenty of copies. There are three primary areas of concern. The multiflora rose removal area will be done in two phases. Mr. LeRoy, Executive Landscaping and I went out there. It's an overwhelming job; one cannot remove it all, only "shift the balance" and do a supplemental planting. I developed a plant list with a number of native trees, shrubs, ferns, herbs and seed mix. "It's been substantially knocked back." We laid out wire stake flags, coded as per the plant list I'll give you. The plants arrived at 3 pm today, and will be installed tomorrow, and we'll have the rest of the sediment removed. Two of the three areas will be almost completed tomorrow. Some plants are back-ordered. "GDC did that on my recommendation", Cowan said. The third piece of concern, Cowan continued, putting Alt-7 plan on the easel, is the added mitigation planting plan and sketches with "detailed plant notes", and my planting plan. He discussed the outfall area, the fairly open area, having the area done in two phases, finding some native species there, the revised plant list is on page 2 and 3, and the approximate locations. Cowan referred next to the progress report, having met Jim Rotondo in the field. He's working up the final details of the plan. There are some large boulders, the unvegetated stream, erosion control blankets that are biodegradable, a large root mass of Alder. We'll right that up and use it in conjunction, and we'll plant ferns and sedges, two species of willows (black & pussy willow), and they can be planted right across the water. Two are done. One is in progress. Glen Moran next discussed the monuments, the engineering approvals, the C.O. issues, and the July dates for completion. Moran asked if there were any questions. Chianese asked if there are any questions from the Commissioners. LeRoy had a question on the mitigation downslope of that stream. He discussed suggestions with Cowan and Moran about the condition of the stream. Cowan talked about sediment removal, outlets, sediment basins, the proposal to take out 6 inches of sediment, not an excessive amount, so as not to create deep holes. LeRoy suggested he take a look at what it was supposed to be on the file plans. LeRoy questioned about the inlet to the pond, and when will those deposits be taken out. Moran replied, the very final phase of the project. LeRoy said, "Great"; this is a good update. Chianese and the Commissioners thanked them. Chianese and Moran agreed on having another update at the August 10th meeting.

Chairman Chianese again discussed EIC attendance, getting new EIC members, and site walks. It was noted that Westney and Lee will be away for the last meeting in July.

ADJOURNMENT:

Russell motioned to adjourn. Mills seconded the motion, and it carried unanimously at 10:45 pm.

The next regular EIC meeting is scheduled for 6/22/05.

Respectively Submitted,

Patricia M. Lee, EIC Secretary