



CITY OF DANBURY
155 Deer Hill Avenue
Danbury, CT 06810

Environmental Impact Commission
www.ci.danbury.ct.us
203-797-4525
203-797-4586 fax

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BY: *[Signature]*

DRAFT MINUTES

February 9, 2011

Common Council Chambers

Next regularly scheduled meeting date 2/23/11.

- Members Present:** Chairman Bernard Gallo, William J. Mills, Matthew Rose, Alt. Derek Roy
- Members Absent:** Craig Westney, Mark Massoud, Bruce R. Lees, Alt. Josh Reilly, Jon Fagan
- Staff Present:** Daniel Baroody, RS, MPH, Senior Inspector, Environmental Impact Commission, Patricia Lee, Secretary

Chairman Gallo called the meeting to order at 7:11 pm. The Commission Members self-identified themselves from right to left.

PLEDGE OF ALLEGIANCE was recited at 7:12 pm. Gallo announced we have a four-man board.

FOR DISCUSSION & POSSIBLE ACTION:

PUBLIC HEARINGS: NA

SHOW CAUSE HEARING FOR CEASE & DESIST ORDERS: NA

OLD BUSINESS:

12 George Street

Regulated Activity # 871

Tag I, LLC

Assessor's Lot # I15110, RMF-4 Zone.

Date of Receipt: 9/22/10.

3 two-family res. dwellings, parking.

First 65 Days: 11/26/10. Second 65 Days: 1/30/11. 0.74 acres. N. Buzaid. Site visit 10/20/10. Danzer & Baroody site visit 11/10/10. Fence and site visit discussed 12/8/10. Extension letter rec'd. Danzer report rec'd. 1/5/11. Additional plans received 1/20/11. Staff report by D. Baroody received 1/31/10. Chairman Bernard Gallo introduced this application at 7:13 pm. Michael Mazzucco, PE, took the mic

and said we did receive the report from Steve Danzer, stating there are no floodplains, and some other comments. Mazzucco talked about alternatives, including flipping the site. I did bring that up earlier to the Commission, Mazzucco said. He submitted a copy dated 6/20/06 to Secretary Lee. Mazzucco explained why it would create more of an impact to flip the plan. I guess the prior use was a single-family residence, but I'll leave that up to the Commission to decide, referring to Danzer comment #5. We did add plantings and the fence. We also moved that deck and added notes about restoration that's on the site plan about cleaning up the brook and the log jammed in the bridge, Mazzucco continued. We have no issue with the conditions. Mills asked about Dr. Danzer's concern about the east side drop off. I think it's unit 4, now 18 feet from the edge of the riverbank. Mazzucco said it's probably 10 or 12 feet. Mills said to Mazzucco when you are going to put a fence up, the buffer will be inside the fence, not the outside. The concern that I have, Mills said, is you are going to have to take a big tree out, and there is no retention on the east side of the river bank. How close can you go to the edge, and what's going to hold that edge up? It's just dirt. Mazzucco responded we want to take that top down; on east side of the fence, probably 18 feet to the building now. Mazzucco referred to the landscape plan on the easel (Drawing No. 08031B-LS) and described the trees proposed; stabilizing it with grass and plantings, making it less steep from the edge of the stream bank back. We'll install a split rail fence, and clean it out, working with staff, Mazzucco said. Mills talked about the previous flooding of the Blind Brook in that area. Mazzucco said we'll provide additional flood storage by doing the grading that we're doing. Mills asked Mazzucco to check out the pollutant-resistant plantings proposed. Gallo asked is there anyone else? Dan Baroody took the mic, saying the applicant has moved the activity away from the wetlands and worked with staff. Staff recommends a summary ruling with the eight conditions. Gallo asked the commissioners what's your pleasure? Roy made a motion to **approve #871** with the 8 conditions of approval in Baroody's project impact report. Mills seconded the motion. The motion carried unanimously with four aye votes. Mazzucco said thank you.

Shelter Rock Lane

Regulated Activity # 874

Sympaug Properties, LLC

Assessor's Lots# L15001, IL-40 Zone.

Date of Receipt: 9/22/10.

Sympaug Properties, LLC / Shelter Rock Sportsplex.

First 65 Days: 11/26/10. Second 65 Days: 1/30/11. Artel Engineering Group, LLC. Staked 9/28/10. Site walk 10/7/10. Second site visit 11/9/10. Danzer report received 10/26/10. Extension letter rec'd. Site plan, Grading & Utility plan, Sedimentation and Erosion Control plans, survey received 1/6/11. Staff report by Daniel Baroody 1/27/11. Gallo introduced this application at 7:20 pm. Dainius Virbickas, PE, of Artel Engineering Group, LLC, placed the proposal on the easel, the Site Plan, revised 12/30/10. It's been a while since we've been here, Virbickas said. Since our last meeting, we've made some modifications to the plan, and I will briefly go over them. We've turned some parking spaces into compact spaces, narrowed down the landscape strip, added a little retaining wall near the grading, allowing more buffer to that wetland; we've added some buffer plantings; we've added a chain link fence as the commission asked. On that fence, we will add signs, noting the conservation area beyond the fence and the emblems on to the catch basins: No Dumping, Drains to River. We have received Dan Baroody's recommendations. Item # 4 is the four-foot tall chain link fence as an acceptable alternative. Mills talked

about the discussion on the site walk, and would it be advantageous to take down those willows. Virbickas replied we're only taking down the ones in the area of development. Gallo agreed. Virbickas said we'd hope they would fall in the other direction; not on to the fence, to answer Mr. Mills' concern. Dan Baroody introduced himself at the mic saying we are out of time on this application, and the commission needs to act on this tonight. Regarding condition # 4, we can work that out in the field with staff. Staff recommends a summary approval with 8 conditions of approval. Rose made a motion to **approve** with the eight conditions of approval. Mills seconded the motion. The motion carried unanimously 726 pm.

Saw Mill Road

Regulated Activity # 607 RR

WRXIII, LLC

Assessor's Lots # C16012, PND Zone.

Date of Receipt: 11/10/10.

Reserve Phase 1B Grading Revision.

First 65 Days: 1/14/11. Second 65 Days: 3/20/11. Tighe & Bond. Extension letter rec'd. 1/27/11. Chairman Gallo introduced this business, and Engineer Joseph Canas from Tighe & Bond took the podium. This is for a revision to our existing permit, Canas said. It's been a while since we've had an application at the Reserve. Canas described the vicinity, the bridge, Crown Point. It turns out that there was more excavation on the site, and not as much rock as we anticipated. Disposal sites are hard to find, due to the economy, Canas said. Behind Building 12 is available. Canas put up a copy of Building 12, Crown Point at The Reserve, on the easel. Canas described the grading 3 to 4 feet from the wetland line. He discussed the grade and the requirement for open space area. We are proposing to place an additional 12 feet of fill at a three-to-one slope under the proposed conditions. The site is already disturbed. I have some sketches for everyone to look at again, extra copies. We propose a double line of silt fence and hay bales, and a cutoff trench right at the toe of that slope, and he described the additional means of sediment and sheet flow. The site is very steep, and this is the only area that is not developed and not as close to the Saw Mill River area. The tree line also, we did not want to cut more trees. Mills asked how many yards? 18,000 yards, Canas replied. We are not going in the wildlife corridor; it's going outside, Canas explained. We are holding the toe and working back from there. Mills asked what else is going to keep it there. Canas replied erosion control matting, mowing and maintenance. Canas explained to Roy the requirement by the Planning Department for open space that cannot rise or fall more than 1 foot in 20 feet. There is a stone wall at the back of the property here. He described the limits of tree clearing to Commissioner Roy. Gallo asked Baroody for comments. Baroody took the mic at 7:35 pm, and reminded the commissioners that WRXIII, LLC, is a permit holder, but they cannot get an Administrative Approval from me. They need to go to the commission. We think this is probably the best place for the fill, and I've met out there with Ryan Boggan from the Health Department. Gallo asked, Dan, do you need more time? No, Baroody replied. Roy made a motion to **approve** the Regulated Activity # **607RR**. Rose seconded the motion. Gallo asked are there any further questions? The motion carried unanimously by four aye votes.

43 Old Ridgebury Road

Regulated Activity # 877

Fairway Asset Management II, LLC Assessor's Lot #C16021, IL-40 Zone.

Date of Receipt: 11/10/10.

Belimo Air Controls Proposed Expansion.

First 65 Days: 1/14/11. Second 65 Days: 3/20/11. Benjamin V. Doto, III, PE. Site staked by Hiro 12/21/12. Site visit scheduled 1/6/11. Extension letter rec'd. 1/13/11. Gary Michael, Jr., Attorney at Law, came forward with Ben Doto III, PE, representing the applicant Fairway Asset Management. We had our site walk; I think everything went fine, but a couple questions that were raised. The detention basin and drainage, gave Secretary Lee the conservation easement copy which the commissioners passed to each other. Doto described their site walk several weeks ago. There is some ambiguity in my opinion, talking about man-made detention ponds. Other portions say that you can install drainage. We need a decision to be made if we need to make some modifications, which I went over with Gary. We would simply have to put in an underground piping system under the parking lot. Massoud asked at the last meeting for us to improve the pond to DEP standards; we could do that. It would be pretty straightforward, and he described what they could do. It would make sense to change, then, our area of wetland mitigation. Somewhere else closer to the woods; we could keep it there. I think that's basically it. You guys are probably more familiar with the conservation restriction. We are sort of at a crossroad here. Gallo said we need more time to review it, and maybe consult with Corporation Counsel. Gallo said we'll get it, before 2012. Dan, if you need to set up a meeting, you know where to find me. Baroody took the mic. One suggestion that applicant request in writing their interpretation of the language and we can give it to Corporation Counsel to review. Doto said okay. I can make the call to move the mitigation area as well. It's not a big area. Roy made a motion to **table**, and we'll get that letter from you, Ben. Mills seconded the motion. The motion carried unanimously at 7:45 pm.

5 Advocate Place

Regulated Activity # 878

Orlando Chang / R. Rosiello

Assessor's Lot # C17065, RA-40 Zone.

Date of Receipt: 12/8/10.

NOV: 7/29/09

First 65 Days: 2/11/11. Second 65 Days: 4/17/11. Rosiello Designs, LLC. Site staked 12/9/10 by Rosiello. Site walk scheduled 1/6/11. Baroody took the mic and said he was contacted by the consultant, and they had an emergency and could not make it tonight. We are going to set up a meeting, Baroody said. Mills made a motion to **table**. Rose seconded the motion. The motion carried unanimously.

NEW BUSINESS:

Woodland Road

Regulated Activity # 880

BLT Reserve, LLC

Assessor's Lot # B16002, PND Zone.

Date of Receipt: 1/26/11.

470 residential units in 6 buildings

First 65 Days: 4/1/11. Second 65 Days: 6/5/11. Milone & MacBroom. Attorney Paul N. Jaber, and Tom Daly, PE, with Milone & MacBroom, this is parcel 13 on the Reserve. He explained the vicinity in relation to Saw Mill Road; about 35-1/2 acres all the way down to Saw Mill Road. We also have Union Carbide located

approximately here, and he described the adjoining parcels and the topography. It's virtually a constant climb, about 150 foot elevation grade, fairly constant. It is virtually a wooded site; no understory; a very tall canopy. We have two wetlands, but none actually on this site. Daly described the two wetland areas, and the upland review area. It's actually an esthetic wall where we could put some signage, or it could go away. We had a meeting the Planning; we have to run a sidewalk down. 470 residential units; the master plan was also for 470 units in five buildings. He described the parking available below grade, almost 4-1/2 acres less impervious acres than on the master plan. There are proposed 21 acres providing common open space, and 5-1/2 acres of useable open space. The original plan was for townhouses and multi-family buildings. All the storm drainage from this site is directed to this detention basin, since we have such less impervious surface. We will install Vortech systems too. Daly described the additional cross pipe going across the street. It's our request this evening to have this commission, since it is a small area, for an administrative review. I would be happy to answer any question you may have. Mills said we have not had time to look at this at all. Baroody took the mic, saying I would ask the commission, I need more time to review it. I will have a report for the next meeting. Mills made a motion to **table**. Roy seconded the motion. The motion carried unanimously at 7:54 pm.

72-80 Payne Road

Regulated Activity # 501R

LoStocco Development, LLC

Assessor's Lot # M12011, IG-80 Zone.

Date of Receipt: 1/26/11.

Truck garage & office.

First 65 Days: 4/1/11. Second 65 Days: 6/5/11. Gallo introduced this item and Joe LoStocco took the mic. I am here tonight to renew this permit. Engineering company did not renew it in time. Approved in 2003. Baroody said needs more time. Roy: what are we looking at here? Gallo described the activity proposed. Roy went through the time line of this application. Gallo asked is there anyone else? Mills made a motion to **table** so Dan can review the material. Rose seconded the motion. The motion carried unanimously.

Paul Nunes

Regulated Activity # 882

108 Miry Brook Road

Assessor's Lot # D19019, RA-40 Zone.

Date of Receipt: 2/9/11.

Res. addition with new septic system.

First 65 Days: 4/15/11. Second 65 Days: 6/19/11. Artel Engineering Group, LLC. Gallo introduced this item at 8 pm. Dainius Virbickas, PE, came forward on behalf of Mr. Nunes from 108 Miry Brook Road. Virbickas described the size and vicinity of the single-family residence built in 1983, and said it has municipal water and a septic system for dispersal of effluent. Basically it's a park out there. It's beautiful. At the edge of property, it turns into a wooded area, and he described the wetlands, that were delineated by company in Newtown, CT, and they flow basically into Miry Brook. There's also an intermittent stream at the northern property line. My client wants to build an addition onto his home, about triple the size of his home, an approximately 1700 sq. ft, addition, and maintain the existing driveway, garage, and water service. However we will need to relocate the septic system. We found that the soils were gravelly and nice, and mushy closer to Miry Brook, where I did not do test holes. The septic system will for the most part go right into the ground. The septic system is designed for a four-bedroom home; a nice sized 4-bedroom home. The

septic system was submitted to the Health Department Monday. Gallo and Virbickas discussed getting it onto this agenda. Virbickas said there is no impact to the wetlands, although we will be digging up the lawn area to put in the septic system, and then return it to lawn. Rose made a motion to **table**. Mills seconded the motion. The motion carried unanimously at 8:06 pm.

ADMINISTRATIVE STAFF ACTIONS:

Administrative Approvals were granted in December and February, by Daniel Baroody, RS, MPH, for:

Regulated Activity # **879**, 2 Shore Road, Dominic Chianese (K02091), RA-20 Zone.

Regulated Activity # **93R**, 8 Premium Point Lane, Joseph Fiscella (K02151), RA-20 Zone.

Regulated Activity # **881**, Backus Avenue, City of Danbury Engineering Dept., Signal Coordination Project, CG-20 Zone.

Commissioners had no questions on Administrative Approvals.

VIOLATIONS: N.A.

ACCEPTANCE OF MINUTES: 12/8/10 Meeting. (The 1/12/11 and 1/26/11 meetings were snowed out.) Mills made a motion to approve minutes. Roy seconded the motion. The motion carried unanimously at 8:07 pm.

CORRESPONDENCE:

State of CT DEP maintenance recommendations at Parks Pond Dam #3438 dated 12/3/10 to F. Khouri, Engineering Dept. Head.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS: N.A.

ADJOURNMENT:

Motion to adjourn by Rose. Second by Roy. Motion carried unanimously at 8:08 pm.

Respectfully submitted,

Patricia M. Lee, Secretary