



**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

Environmental Impact Commission  
(203) 797-4525  
(203) 797-4586 (FAX)

**DRAFT MINUTES**

**March 23, 2011**

**Common Council Chambers 7 pm**

Present were Chairman Bernard Gallo, William Mills, Bruce R. Lees, Mark Massoud, Alt. Michael Esposito.

Absent were Alt. Derek Roy, Alt. Josh Reilly, Craig D. Westney

Staff present were Daniel Barood, RS, MPH, Secretary Patricia Lee.

The Pledge of Allegiance was led by Dainius Virbickas, PE, at 7:06 pm.

**OLD BUSINESS:**

**60 Shelter Rock Road**

**Regulated Activity # 739RR**

**60 Shelter Rock Road Assoc., LLC** Assessor's Lot # K15107, IL-40 Zone.

Date of Receipt: 2/23/11.

Sewer main extension.

First 65 Days: 4/29/11. Second 65 Days: 7/3/11. B. Doto, III, PE, Gallo introduced this application and Benjamin Doto, III, PE, took the mic. The only thing that has changed since we last met is the City of Danbury Engineering staff including Dave Null, they only ask for a second valve on the manhole, dated 3/10/11. That's all I have to add at this point, Doto said. Commissioners reviewed the letter from the Engineering Department. We have been working on this route for a couple years, on and off, and we worked out some of the final details, Doto concluded. Lees made a motion to **table**. Mills seconded the motion. The motion carried unanimously at 7:09 pm.

**36 Sugar Hollow Road**

**Regulated Activity # 883**

**Danbury Elks Lodge #120**

Assessor's Lot # G22003, LCI-40 Zone.  
RECEIVED FOR RECORD  
DANBURY TOWN CLERK

Date of Receipt: 2/23/11.

Replacement building, parking, septic, well.  
2011 APR 14 10 01 AM

BY: *MIC*

First 65 Days: 4/29/11. Second 65 Days: 7/3/11. Artel Engineering Group, LLC. Site visit 3/22/11. Dainius Virbickas, PE, of Artel Engineering Group, LLC, took the microphone on behalf of the applicant. Virbickas discussed the site walk that we had yesterday. There did not seem to be any questions or issues, Virbickas said. Is this layout something the Commission feels comfortable with? If so, I will notify the Elks and we can proceed. Gallo updated Mark Massoud about the revisions. Mills asked staff to come up with an agreement; and a planting plan be drawn out and included. Virbickas said absolutely, yes. We can have a landscape architect prepare that for your review, comment and hopefully, approval, Virbickas said. Lees said the new plan with the two legs is the way to go; a much better plan, even though I could not make the site walk yesterday. Mills motion to **table**. Second by Lees. The motion carried unanimously at 7:14 pm.

#### **46 Beaver Brook Road**

#### **Regulated Activity # 785R**

**C & W Development, LLC**

Assessor's Lot # K12176, IG-80 Zone.

Date of Receipt: 2/23/11.

Sewage treatment facility, phased construction.

First 65 Days: 4/29/11. Second 65 Days: 7/3/11. Benjamin Doto, III, PE. Responses, revisions rec'd. 3/3/11. Gallo introduced this item and Ben Doto again took the mic. The only thing I have to add, Doto said, your communication with Don Gonyea, Dan; there's been some communication as to a spill control plan. Would there be any requirements that he may have? The answer is yes. The applicant does not want the expense of preparing one until it is approved. All activity will happen indoors; Bill's asking that this get tied to the DEP permit. Did I cover everything, Dan? Baroody replied yes. I received an e-mail dated yesterday from Don Gonyea, dated 3/23/11. Baroody said I contacted Don Gonyea (Bureau of Materials Management and Compliance Assurance, Water Permitting & Enforcement Division, Connecticut DEP) as requested by the commission, and talked about truck washing and the treatment system, and he assured me there will be no washing of trucks. He told the DEP, and they will require the spill plan. I advised Gonyea that it is really up to this commission, if you are going to want to have it also in your EIC plan. Mills said I have two questions: I don't see how it's an additional burden of cost to the applicant to supply a spill control plan to satisfy this commission's concerns. It would be the same plan he'll submit to the DEP, so I would request that a spill control plan be submitted. Moving on to the other question, Mills said, what baffles me under the notes, under #9, a revised site plan shall be submitted. It just seems we're hopping all over the place. Doto it has to do with uses; it has nothing to do with you (EIC). I think Planning and Zoning required that back some time ago. Doto said I understand, Bill, what you are saying about the cost, and he explained that this has to go as a special exception with Planning and Zoning with a Public Hearing. If the project does not get approved, that expense is getting front-loaded here. Mills and Doto discussed this. Lees said this is one time that we would be the first people to get the spill control plan. Massoud said it does appear to be something of a tricky situation, making our approval contingent on someone else's concerns. We know the site and town better than the DEP does. Unfortunately, there's no way to coordinate that. Doto said I think I know my direction then. Massoud said I saw something about no truck washing, but I'd like to have that as part of the approval. Mike Esposito had no questions. Baroody added we can put a condition on our permit that no trucks be washed, like a double check. Lees made a motion to **table**. Mills seconded the motion. The motion carried unanimously at 7:24 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. Extension letter received 2/14/11. Second site walk 3/8/11. Gallo introduced this item saying nobody's here. Baroody said I need more time to do a report, and I need to coordinate with the Building and Zoning departments on the shed/ garage which was built without any permits. Mills made a motion to **table**. Lees seconded the motion. The motion carried unanimously till 4/13/11.

**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 &amp; office.

First 65 Days: 4/1/11. Second 65 Days: 6/5/11. Notified Bethel 3/9/11 late. Plans to S. Danzer 2/23/11. Danzer comments rec'd. 3/7/11. Applicant asks to table to 4/13/11. Motion to **table** by Mills. Second by Lees. The motion carried unanimously at 7:27 pm.

**5 Sugar Hollow Road & Backus Avenue Regulated Activity # 762R****The Shops at Marcus Dairy**

Assessor's Lots # G17002,G17019, CG-20 Zone.

Date of Receipt: 3/9/11.

Revised site plan, single-story building.

First 65 Days: 5/13/11. Second 65 Days: 7/17/11. Artel Engineering Group, LLC. Gallo introduced this item as Dainius Virbickas, PE, again took the mic. He identified himself again, on behalf of the applicants. The proposal is to make modifications to the Marcus Dairy. At the last meeting we went over the changes to the plan. I brought that plan with me. I think you also have it in your packets. The red line indicates what was previously approved. The black line indicates what is currently proposed. We have a tenant that wants all its material on one level; to make room for our tenant we need to spread the footprint out. I can go over those changes again if you want, Virbickas said. Gallo said I want to hear about the crossing again. Virbickas described shifting the entrance on Backus Avenue over, and what that will do to the impact to the wetlands, about 358 sq. ft. less. Gallo asked the first plan was a culvert? You're putting a box in now? Virbickas said before it was some sort of a concrete structure. We can design it to span clear across the wetlands. We calculated it on the previous approval as if it were a box. Our intention is to either go with a box in the basin of the channel, or we can put in strip footing on either side and cross it with some sort of an arch. Massoud as, as a point of clarification: is that an option or will we give you direction as to which to use? Virbickas said the numbers are based on us putting in a box structure; based on worse case scenario, and that is similar to what we are proposing now. Baroody said it is approved not as

a span, but a box. Virbickas said you are correct. Marcus took the mic and said I think Dan is correct, because at that time we had not done all the testing on the site where the wetlands were. The wetlands were not as extensive as what we feared that they might be. The idea of doing the bridge span did not make a lot a sense: it would be more expensive that a culvert, the favored way to the State. They like culverts; there's no maintenance, and Marcus explained maintaining a steel span. We looked at all that, and we know exactly what we are now dealing with, and we'd like to do this in concrete, rather than a steel structure. The City crossing is exactly the same, and it did not make any sense to put in a steel bridge. Marcus described what might happen in the future. Culverts have been there since they put in the mall, and they don't seem to have impacted the wetlands. In the long run, we'd like you to consider; see what's there, the only open span of the brook. I call it a drainage ditch, Marcus said. We'd like some cooperation on that. Gallo said I would just like to see the difference to the impact on the wetlands. Marcus explained the needs of the grocery store in terms of parking and lanes. It was luck that we had to move the crossing. I'd like to give Dainius Virbickas credit, but I can't. The State has not been back in years. We don't plan to have any issues, Marcus said. Lees said look at the last page of your plans. Virbickas clarified what the SC-740 Typical Cross Section depicts. Virbickas said I don't have plans for the bridge structure itself. We never had a design prepared for it. Marcus said it was an area in which we could work. Lees asked about phasing. Virbickas replied the plan now is to develop the site. We have not designed the bridge structure itself yet, Virbickas said. We can certainly show you the concept design. Marcus said if you tell us we can go with this kind of concrete structure, we will get the plan for you. Virbickas, Marcus and Lees discussed the location and size of the structure. We can blow it up for you, I mean enlarge it, Marcus said. Lees said all I am asking for is the design. Marcus answered we can do that. You don't want to figure out the strength of it. Lees said put it front of us as a proposal; we are getting wishy-washy. Marcus said we will show you the bridge, the span, but not the engineering specifics. Lees discussed what he has seen happen in previous storms since he works at the mall. Marcus said that's a good question. The flow of water is controlled by the State ramps on both sides, and at the other end, it goes down past Segar Street, and that's the constriction. The Kissen Brook did not go over its banks in that last rain event that Sunday. We don't get the floods the airport gets. You will never get down that underpass in a heavy rain. It's all flood control, Marcus said. Paul (Estefan) of course is concerned, Marcus said. Massoud said I don't necessarily agree that if the State does it, it must be okay, so I would not hold that up to a standard for us to look at by any means. I respectfully disagree with your depiction of the brook as a ditch. AS part of this modification, we are looking at the moving of the entranceway from Backus Avenue to the site. I don't know that a culvert is the best way to accomplish it. A free span is usually preferable. I would leave that question open, Massoud said. Marcus said I think that's a good point too. You don't want to restrict the flow, so we'll get you that. Massoud described the vicinity, possible microhabitat, how it's impacted by all that development that is going on. Marcus said this very commission approved the same crossings in the early '80's. Massoud replied that was then; this is now. Lees made a motion to **table**. Mills seconded the motion. The motion carried unanimously at 7:49 pm.

#### **NEW BUSINESS:**

**40A Payne Road**

**Regulated Activity # 885**

**MRF, LLC (David Tinker)**

Assessor's Lots# M13001, M13002, IG-80 Zone.

Date of Receipt: 3/23/11.

Storage equipment, construction materials.

First 65 Days: 5/27/11. Second 65 Days: 7/31/11. Ralph J. Gallagher, Jr. & Associates. Bethel notified 3/23/11. Gallo introduced this item. Baroody spoke in the rear with Richard Rosiello who was late arriving at the meeting. Rosiello put his coat on. Marcus again took the mic and the applicant, Tinker, came forward. You guys are very familiar with the site. It has been before you at least twice before. Marcus discussed the history of the previous GRT permits, and Marcus gave the history of the court case and the stipulated judgment last November. The applicant has agreed to correct any deficiencies and come up with a new plan. This project has never been completed. Marcus took the mic to the easel and described the vicinity, the swampy area, Old Sherman Turnpike, Dave's operation in the southeast corner, where he runs his construction yard. He replaced or repaired a culvert. Tinker said I did not exactly touch the culvert; I put gravel on the driveway. Marcus said somebody obviously put that culvert in there many years ago. Tinker said there are three same size culverts down on Old Turnpike and this driveway. Marcus continued discussed the old dumping area. Tinker listed some of the material he was required to take out of there, such as car parts, pots, pans, bottles. The bank required that I remove all that debris before they would approve the loan. Marcus said I have pictures and went to his file. I'm not sure I brought them with me. They were taken by the environmental study company for the bank, Tinker said. Marcus said we would like to restore some wetlands that were disturbed, and use some wetlands that are not of great value, we think, essentially the back yard and side yard of our neighbor's property; to use this area in here, square this off, and restore this area that was desecrated years ago. Tinker and Marcus talked about the proposal with the plan on the easel (R.J. Gallagher), and the original plans drainage. The sheet drainage is not going to the infiltrators, the gravel berm allowed the water go down to these people's property. Gallo asked about the site now. Tinker described the planned office, parking, mafia block bins. You won't see any of this in the back, since it will be screened by these trees. Tinker said that stockpile will be completely removed. Gallo said that whole area is pretty messy. Tinker said years ago (Earth Movers and Iapaluccio), that used to be a junkyard. Stavola owned it, Marcus said. Stavola had a pretty big operation after he outgrew White Street, Marcus said. Discussion continued at 8:02 pm, with Marcus describing the improvements and the trade-off, and why he was cited, and why Dave got into trouble when he resurfaced this road, when all hell broke loose. We have already applied to Planning and Zoning, Tinker said, when we applied to EIC. Tinker said we don't yet have a planting plan. Ralph (Gallagher) gave pages of drainage calculations that you have. It was hard for even me to decipher. Marcus said we will notify Bethel. Lee explained that that's to be done tomorrow. The applicant requested a second site walk, so we all can meet, and have Ralph J. Gallagher, Jr., PE, come too. Danzer commented that we filled the wetlands, Tinker said, but as you can see from this plan, we did not fill the wetlands. When will Ralph J. Gallagher be back? Marcus replied the end of this week. So Monday or Tuesday, Dan, I will give you a call, Gallo said. Lees said it's very confusing; I've been on the site. When Ralph gets back from vacation, I will ask him for an existing and a proposed map. Lees said we want to have a good direction of what is going to be there. Marcus said Ralph is a complex guy. Gallo asked are there any further questions? Lees made a motion to **table** this to 4/13/11. Second by Mills. The motion carried unanimously at 8:08 pm. None opposed. Motion carries, Gallo said.

**ADMINISTRATIVE STAFF ACTIONS:** None

**VIOLATIONS:** None

**ACCEPTANCE OF MINUTES:** Motion to accept the 3/9/11 meeting minutes as presented by Lees. Second by Mills. Motion carried unanimously.

**CORRESPONDENCE:**

Aquatic Pesticide Permit Applications:

Shelter Rock Pond, 22 Shelter Rock Lane, Northeast Tree, Pond & Turf Service, Inc.  
Boehringer Ponds, Briar Ridge Road, Aquatic Control Technology, Inc.

Tips for Staving Off Zebra Mussel Infestation by Candlewood Watershed Initiative  
Chairman.

**ADJOURNMENT:** Motion to adjourn by Mills. Second by Esposito. Motion carried unanimously at 8:08 pm.

Next regularly scheduled meeting: April 13, 2011.

ENVIRONMENTAL IMPACT COMMISSION

ATTENDANCE

Date: \_\_\_\_\_

Meeting called to order: 7:05 pm

ROLL CALL:

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>LATE</u> (time)
Bruce Lees	✓		
Craig D. Westney		✓	
Bernard P. Gallo	✓		
William J. Mills	✓		
Matthew Rose		✓	
Jon K. Fagan		✓	
Mark Massoud	✓		

ALTERNATES

Derek B. Roy		✓ Colorado	
D. Joshua Reilly		✓	
Michael Esposito	✓		

OTHERS PRESENT:

Daniel Baroody	✓		
Patricia Lee	✓		
Corporation Counsel			
_____			
_____			

Adjourned at 8:08 pm WJM  
ME  
AKL