

CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENVIRONMENTAL IMPACT COMMISSION
(203) 797-4525
(203) 797-4586 (FAX)

Received on:
2012 MAR 15 P 12: 24
Roni A. Baroody
Town Clerk

DRAFT MINUTES

February 22, 2012
Common Council Chambers 7:00 PM

Next regularly scheduled meeting date March 14, 2012.

Chairman Bernard Gallo called the meeting to order at 7:10 pm. Present were Gallo, Bruce R. Lees, William Mills, Alt. Michael Esposito, Mark Massoud. Gallo called Esposito, who is on his way.

Absent were Matthew Rose, Alt. Derek Roy, Alt. Josh Reilly, Craig Westney, Jon Fagan. Massoud led the Pledge of Allegiance.

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

PUBLIC HEARING: NA

OLD BUSINESS:

Shoreview Lane – Beach Improvements **Regulated Activity # 909**

Shoreview Estates Homeowners Assn. Lot # H08067, RA-80 Zone.

Date of Receipt: 12/14/11. Reconstruct Community Beach.

First 65 Days: 2/17/12. R.J. Gallagher, Jr. & Assoc.

Second 65 Days: 4/22/12. Staked & flagged 12/29/11. First site visit 1/12/12. Comments from CLA received 1/25/12. 2nd site visit 2/2/12. Add'l. CLA comments received 2/15/12. Staff report by D. Baroody 2/22/12. Gallo introduced this issue and Ralph J. Gallagher, Jr., took the mic, saying he would address the Candlewood Lake Authority's concerns. Gallagher discussed the curtain drain; the water is down six feet. We are not going to do those items above the 440 line; landscape, the patio, the cabana, and we are going to change, based on FirstLight comments, not two separate docks, but one. We have drainage calculations from the last time. We need the watershed water not to flow over the beach, and he described how the water has been diverted from the beach, preventing erosion. We will raise the beach to 431 by the swale, and 430 at the water line; the sand is to be graded to elevation 425, for people to walk out into the water. The only comment from Marsicano, we will have to move a couple of those rocks. In his letter, he wants to say the word treatment, but he doesn't. It is all natural to the top of the mountain. The 20.5 acres is the only thing I had to put down on the application. This is the beach, all below the 440, all FirstLight Property. The lake will be pumped up now on February 20th, Wood told me, so time is not on our side now. Unless there are any questions, Gallagher said, I will turn it over to Baroody. Mark Massoud asked about maybe Marsicano's concern about the driveway. Is that not contributing to the overall

conditions on the site? Gallagher replied that might be the water that he wants to have treated. All we are trying to do is to stop the beach erosion. We did not propose that; we don't have that. That's not what he said, Gallagher said. Mike Esposito is here now, let the record show, Gallo announced. Gallagher and Massoud discussed what they are not going to do now; but that could have been a problem, so we just took it out. Massoud said to Gallagher, you're talking about the lack of details. Dan Baroody took the mic, saying the homeowners' association has worked with the Health Department. Staff recommends a summary ruling to approve, with the five conditions of approval, the fifth being the curtain drain. Lees said those modifications are not part of that; I just want to make sure. Massoud asked Baroody about any discussion about on-going maintenance. Baroody said I will defer to the applicant. Gallagher read from his plan Drawing No. 11051-R1 about the maintenance, "Supplementary Notes" and "General Notes". Gallo said FirstLight recommended that. Massoud asked Dan about the letter from the Candlewood Lake Authority; do you, in your opinion, how do they stand with all this. They seem not in agreement with the proposal, Massoud said. Baroody said in my discussion with Marsicano, (he implied) he's willing to have them go ahead before the lake level comes back up. He can work with FirstLight Power, who will monitor the construction. The applicant now has to get an application from FirstLight Power. We'll work some of this stuff out between the parties in the field. Mills motioned to **approve** with 5 conditions of approval. Lees seconded the motion. Motion carried unanimously at 7:24 pm. Gallagher said thank you very much.

61-63 King Street

Regulated Activity # 910

Laurie E. Nimmons

Assessor's Lot # C06053, RA-40 Zone.

Date of Receipt: 12/14/11.

Single-family dwelling, septic, driveway.

First 65 Days: 2/17/12.

R.J. Gallagher, Jr. & Assoc.

Second 65 Days: 4/22/12. Staked & flagged 12/29/11. Soil report received 1/11/12. First site visit 1/12/12. 2nd site visit 2/2/12. Comments from Danzer received 2/21/12.

Extension letter received 2/21/12. Peter Dunn, City Sanitarian's approval received 2/21/12. Mr. Massoud has to recuse himself at 7:25 pm. Gallo introduced this King Street application, and Gallagher reintroduced himself. These plans this evening are based on Mr. Danzer's review of our application. They include three areas that Mr. Moeller and Mr. Danzer disagree on. They are small areas; don't amount to a lot. We just stayed away from them and moved our silt fence. Referring to Item 2 on Danzer's report; he did not see that the silt fence is also the limit of disturbance.

Item 3: the wetland protection: Gallagher read from Danzer's letter: "*The residence is proposed within 35 feet of the wetlands. The wetlands appear to be in relatively good shape with multiple functions and values. The proposed distance between the rear of the house and the wetlands is inadequate to provide maximum protection to the wetlands. It is unrealistic to expect that a future resident would maintain the 35 feet between the rear/ side of the house and the wetlands as undeveloped natural protective buffer. The applicant needs to consider avoidance (pulling the house back) and/or mitigation, pursuant to the regulations, as strategies for their site plan development, given the constraints of the lot.*" We already represented that,

Gallagher said. It's a modest size house. 35 feet is off on an angle. Really we have 60 feet to the wetlands in the back. We have the septic far removed, and I disagree with Mr. Danzer on item 3. Gallagher said if you have any ques. I can answer them. Dan Baroody came forward and placed the letter of approval from Peter Dunn, City Sanitarian. We ask that we be given more time to go over the revised plan; we just got it tonight, Baroody said. Lees said I agree with Mr. Danzer a little bit. I can't think of any house that does not have any deck off the rear line. Gallagher said you're still 40 – 50 ft. from the wetlands. Lees asked have you done a site walk. Gallagher said yes we have. Do you think permanent boundary markers at that part, maybe 30 or 40 feet, I would suggest, Lees said. Mills said that shortest point, asking Baroody, the vicinity of the old well. Mills said if they go in, could they give us mitigation somewhere else. Gallagher said we are not proposing to go in the wetland. We have zero wetland encroachment. We are not taking any wetlands away, Gallagher said. Mills said it's such a close point, is it possible. Baroody said Mr. Mills is talking the loss of the buffer, and for the record, on new construction, we have never had anything closer than 40 feet to the buffer. Gallagher said we could give additional wetlands to the north. We are giving the City an easement, one of the original things, if you remember. We can do that, Gallagher said. Whatever the commission recommends, within reason, we can do, Gallagher said. Mills said so we can come up with a solution. Lees motioned to **table**. Mills seconded the motion. Motion carried unanimously at 7:34 pm.

119 Franklin Street Extension

Regulated Activity # 913

Ridgewood Country Club, Inc.

Assessor's Lot # G13029, RA-40 Zone.

Date of Receipt: 2/8/12.

Clubhouse addition, site improvements.

First 65 Days: 4/13/12.

B. V. Doto, III, PE

Second 65 Days: 6/17/12. Benjamin Doto, PE, was present. We need to table this till we do an on-site visit, Gallo said. Lees made a motion to **table**. Mills seconded the motion. Motion carried unanimously. Massoud retook his seat on the panel.

NEW BUSINESS:

25 Reynolds Road

Regulated Activity # 915

William S. Coffey

Assessor's Lot # H08108, RA-40 Zone.

Date of Receipt: 2/22/12.

Gravel road shoulder expansion.

First 65 Days: 4/27/12. B.V. Doto, III, PE. Doto introduced this item, representing William Coffey, and described the vicinity of Reynolds Road; an old lake Community in the area of Poet's Landing. Private dirt road that snakes along. We are here tonight for a retroactive approval. Coffey bought a house where a septic had never been installed. There were permits and approvals, Mr. Coffey told me. Exhibit A shows a very small lot, about 1/3 of an acre; Reynolds road sort of bisects the property. The house is all the way to the west of the property. Mr. Coffey installed a rip rap slope to widen the narrow shoulder and to have a place to park. FirstLight was contacted by the neighbors, and there was no work on their property, so they

turned it over to me, Baroody said. You can see it from the boat, Mills said. I asked him for the reason to do this. He asked the permit center, and they said there was a grading permit given to the previous owner. The alternative would be a retaining wall. There is no increase in impervious surface, no mortar; the road has been maintained as gravel. As Dan mentioned, there was no work below the 440 line. There is nothing FirstLight needs to do. I would be happy to answer any questions. I know a couple of you have already seen it, Doto said. Mills said maybe we could do a site walk the same day, the golf course and this Coffey site. Doto confirmed to Massoud that this is existing. Doto said I have one thing I want to hand out. This is a blow-up from the 2006 septic plan. I'm sure it's in your files already. Gallo said I thought he was doing sewers. He's proposing a septic now? Doto said, no; sewer. Anyway, I was not the engineer on the previous permit. Gallo said this goes back to '06. Massoud asked about the current septic hook-up. The proposal is to hook up, Massoud asked? There is an approved sewer and water extension, by Common Council, Doto continued, and I believe, that's all in place, just not completely constructed. I don't know the time frame for construction. Reynolds Road is outside of the regulated area, but it would obviously have to go through the engineering department. Bill (Coffey) is going to be extending this. We are not here for that today. Gallo asked about the grading and septic approval from the previous application. Doto said they will abandon that cess pool; I'm just trying to give you a little history. Doto said I know exactly where Chairman Gallo is going; this is the history that I was given. Bruce R. Lees asked about the purchase of the property by Mr. Coffey. Doto said it's a big rip rap slope. Lees said when did he do this work? Was there an NOV on this, Lees asked? Baroody explained the time frame. We did not know it was there last fall; maybe two months ago, Gallo said. Lees said I'm looking for future information on the 2006; more complete information from the old approval. This is without approvals. We should hold them to the letter of the law, Lees said. Doto said we are here today for the rip rap slope. The house was built to the plan. I encourage you to go there; everything is there. Reynolds Road is used by the neighbors. I sent it out to Mr. Coffey yesterday, Doto said. Baroody said there's no one living there; I just want to confirm that. We saw it from the lake, Baroody said, and we have pictures that we took from the water. Doto explained how to get there; it's a beautiful house. The road is smaller than most peoples' driveway, Doto said. I don't know the answer about any C.O.'s. Motion to **table** by Lees. Second by Mills. Motion carried unanimously at 7:50 pm, and Gallo said do an on-site before the next meeting. Maybe we can do them both at once, Gallo said.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: NA

ADMINISTRATIVE STAFF ACTIONS: NA

VIOLATIONS:

ACCEPTANCE OF MINUTES: 2/8/12 Meeting. Motion to accept these minutes as presented by Lees. Second by Mills. Motion carried unanimously.

CORRESPONDENCE: NA

EIC ADMINISTRATION & FUTURE AGENDA ITEMS: NA

ADJOURNMENT: Motion to adjourn by Mills. Second by Massoud. Motion carried unanimously at 7:50 pm.
Next regularly scheduled meeting date March 14, 2012.