



CITY OF DANBURY
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Environmental Impact Commission

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DRAFT MINUTES

July 11, 2012

City Council Chambers 7:00 PM

Next regularly scheduled meeting date 7/25/12.

Chairman Bernard Gallo called the meeting to order at 7:06 pm.
Present were Gallo, Bruce R. Lees, William Mills, Matthew Rose, Michael Esposito.
The meeting began with four commissioners seated. Rose arrived later.
Absent were Alt. Derek Roy, Alt. Josh Reilly, Craig Westney, Mark Massoud.
Staff present were Daniel Baroody, RS, MPH, Patricia Lee, Secretary.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Gallo.

SHOW CAUSE HEARING FOR CEASE & DESIST ORDERS:

53 Rowan Street (I12056),IVALDO & HIDELMA BARROSO, Notice of Violation sent 4/23/12, and returned undeliverable by USPS 5/7/12. Rewritten & served by Sheriff Safranek 5/8/12. No show 6/13/12. Gallo said Dan Baroody assured me it's moving along. Lees made a motion to **table**. Mills seconded the motion. Motion carried unanimously at 7:08.

OLD BUSINESS:

Christopher Columbus Avenue

Regulated Activity # 925

City of Danbury Public Utilities

Lots #E15121, #E15122, IL-40 Zone.

Date of Receipt: 6/13/12.

Riparian Native Buffer Garden - Lake Kenosia.

First 65 Days: 8/17/12. Second 65 Days: 10/21/12. SEP per EPA. Staff report by D. Baroody 7/11/12. Chairman Gallo introduced this Old Business. Jack Kozuchowski introduced himself representing the Public Utilities Department. The application is to create a new riparian buffer, and I have 10 minutes or less of slides, Kozuchowski said. Doto and Kornhaas came around to view the slide show. It is truncated to 10 minutes or less. You guys permitted our riparian buffer designed in 2006, finished in 2011; very successfully completed, Kozuchowski said. The grand

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opening was 6/30/12. Kozuchowski showed his Google slides, discussed the numerous benefits, aesthetic open space, critters, birds, the dragon flies, cardinal flower, with different species of flower in bloom from Spring until Labor Day. The next phase is to create a wetland buffer in a different part of the park. A watercourse goes under the soccer field. Kozuchowski described the plunge pool at the culvert, the itinerary of the watercourse; flowing through the swamp and into the Lake. Coincidentally, back in 1992, Lake Kenosia was closed due to a high bacterial count. Studies and samples were done. It was discovered that the high bacterial count was from farm chickens running in the street. The plunge pool allows sediment to settle; the site plan shows the fields, the retention basin, designed to channel flow from the basin to the wetland cells; various wetland cells, to spread it out. The water can settle, and the pollutants can be absorbed by the vegetation. Kozuchowski discussed the planting list, the large diversity of native plants; lots of ecological stability; still a lot of species backup, with root systems to absorb water, and he asked are there any questions. There were no questions. Dan Baroody took the mic and called attention to the table on page one of his report. This plan will reduce adverse impacts to the Lake as Jack mentioned, with the 4 conditions of approval on page four. Gallo asked are there any questions? Lees made a motion to **approve** with a summary ruling with 4 conditions. Mills seconded the motion. Motion carried unanimously at 7:18 pm.

84 Federal Road

Regulated Activity # 929

Ingersoll Auto of Danbury

Lot # K11111, CG-20 Zone.

Date of Receipt: 6/13/12.

Revision to Phase II, Phase III, additions to dealership.

First 65 Days: 8/17/12. Second 65 Days: 10/21/12. Benjamin V. Doto, III, PE. Site visit 11/10/12. Staff report by Dan Baroody 7/11/12. Gallo introduced this application as Ben Doto came forward at 7:19 pm and set up the easel. Ben introduced himself representing Ingersoll; formerly Saturn, which this commission approved years ago. No changes are proposed to the footprint, but some changes are planned to the buildings. I want to go over it briefly. It will be in two phases. Parking is phase 1, Doto said. Phase 2 was never constructed. Subsequent to that, Saturn was eliminated by General Motors, so the plans have changed too. We are proposing a phased addition: Buick, GMC, Chevy, and Cadillac dealerships. We are running out of room on the site, so we need to enact phase 2. There's an intermittent watercourse, and Doto described its path. There will be no changes to the footprint of development to the original plan. No changes to the drainage system that is already installed, Doto said. The only changes are to the configuration of the parking and drainage around the addition. I would be happy to answer any questions. I know Dan has a staff report, Doto concluded. Mills asked where is the flagpole? Doto replied and said it's all sand. The detention basins meter the flow out; we haven't had rain in a while, Doto said. All sidewalks were put in; the gravel parking lot will be paved and finished up. Dan Baroody took the mic, identified himself, saying staff is recommending a summary ruling to **approve** with the 6 conditions shown on page 4. Lees asked about the condition about the five years duration of an EIC permit. Lees made a motion to approve. Esposito seconded. Motion carried unanimously at 7:24 pm.

77-83 Mill Plain Road

Regulated Activity # 932

Public Storage

Lot # D14032, CA-80 Zone.

Date of Receipt: 6/13/12.

Formerly, Shurgard. Facilities expansion.

First 65 Days: 8/17/12. Second 65 Days: 10/21/12. Artel Engineering Group, LLC. Danzer report rec'd. 6/13/12. Plans & response letter received 7/5/12. Site visit 11/10/12.

Maintenance plans & schedule received 7/11/12. Mark Kornhaas from Artel Engineering Group, LLC, came forward and introduced himself on behalf of Public Storage. He described the vicinity; 400 feet to the west is Westwood Drive. Kornhaas discussed building A and building B and their square footage. They are proposing to leave A alone, Kornhaas said, and demolish B and replace it with a three story building. The canopy will be removed. Building B will all be interior storage units. C will be all exterior. Kornhaas said we are not proposing disturbance to any wetlands. Danzer looked at the site and there were a couple of comments. Enhance it with some plantings and let the plants grow around. We concur with Mr. Danzer's recommendations, Kornhaas said. There is a spot he noted with a little bit of erosion coming down the hill, and he described its cause in heavy rains. This is eroding. Public Storage has done a lot to stabilize it. We will put in some stone check dams and a swale and a rip rap apron. There will be no increase in impervious coverage. Chairman Gallo said Dan, Bill (Mills) and I went on-site yesterday. Rose asked about the runoff from the area, an area he said he knows well. Kornhaas described the wall proposed. It is stable. We don't want to mess with it. No blasting is proposed, Kornhaas continued. Baroody took the mic. We received the stormwater maintenance plan. It's in your packet as part of the application, as you requested. Staff recommends you table this to next meeting. Mills made a motion to **table**. Rose seconded the motion. Motion carried unanimously at 7:30 pm.

NEW BUSINESS:

10 Precision Road

Regulated Activity # 241R

Belmi Management Partnership

Lot # E17092, IL-40 Zone.

Date of Receipt: 6/27/12.

NOV 4/5/12 (tenant).

First 65 Days: 8/31/12. Second 65 Days: 11/4/12. Benjamin V. Doto, III, PE. Gallo introduced this item, and Doto again took the mic for Belmi Management Partnership. This application is in response to a violation notice with respect to some work that a tenant had done on the property. The tenant just moved in without permits and started storing stuff there. The tenant left; I'm not sure why. It is the owner's responsibility anyway, Doto said. It was obvious that the piles need to be removed. Doto summarized the piles that are out there; some new ones, and a couple of historic ones. You indicated get everything out of there, Doto continued. All but one will be removed by machine. We propose to extend the fence. This property is a flag lot. We'll prevent unauthorized access from that area. I checked the capacity of the culvert pipe, Doto said, and it exceeds capacity. I feel it's best to leave that pipe there in case this property is developed. It was approved by Planning. The strip has always had a crossing at that spot. That is your commission's call: to take everything out. I told my client not to touch the piles at this point. They look just like they did in April. Gallo said I don't see the point in

taking that pipe out, and Doto concurred. We don't know the plans for the property now. We want to resolve this before we go on to the next step, Doto said. We would have to come back to EIC and Planning as well. Bruce R. Lees asked about the accessway. Doto replied the culvert was not there. The tenant put the culvert down with rip rap over it. The accessway is completely paved. There is common ownership; not the same ownership. Lees asked has anyone done a site walk? Doto showed his plan with the flag lot and explained how this property is accessed. We are proposing to put the chain link fence back. Lees asked about the right to access, and asked where's my mitigation? Am I reading this map right? I'm asking for mitigation, even for wetlands somewhere else; it's being fair, Lees said. Doto said I understand. In the marching orders given last time, that was left unclear. Mitigation could be done down the road, Doto added. It's totally illegal, Lees said. Gallo said that's just one opinion. Lees said that's being fair to every applicant that has come before us. Doto said I don't think that's what we are doing here, Bruce. Lees and Doto discussed the mitigation to be done now or later. Gallo talked about disturbing everything twice. Dan Baroody said we did a site walk to investigate the violation, but not for this new application. Last time we talked about this, Baroody said, we asked was the pipe undersized or not. Doto replied it far exceeds it. Gallo said see what the petitioner wants to do. Doto said then I'm probably going to recommend he take everything out. I'll talk to him about that, Doto concluded. Gallo said see what he wants to do. Mills made a motion to **table**. Second by Rose. Motion carried unanimously at 7:43 pm. Doto said thank you.

19 and 1 Eagle Road

Regulated Activity # 935

City of Danbury Still River Alliance Lots #L11007, L11006, CL-10 & IG-80 Zones.

Date of Receipt: 7/11/12.

4 Habitat Restoration Zones.

First 65 Days: 9/14/12.

Still River Greenway.

Second 65 Days: 11/18/12

Kozuchowski Environmental Consulting.

Jack Kozuchowski again took the mic and identified himself. The City applied to the DEEP for a recreational trails grant and it was awarded last year. My firm was hired to manage the project, and Kozuchowski named the other firms involved. The intent was to create an oasis from the many invasive plants: purple loosestrife, Japanese knotweed. This is a demonstration project to see if we could maintain it. We are recruiting sponsors primarily from the Commerce Park area, and Kozuchowski described the stewardship over the greenway, and we are hoping to get sponsors, he said. We have three at this point. Secretary Lee pointed out to Kozuchowski that the application was for four zones. Kozuchowski described the layout and the previous permitted back in 2007; he named the corporations there. The Marriott Inn is a secondary trail right behind the Marriott. Our grant allowed us only three zones. Kozuchowski explained the fourth zone we don't have the funding for yet. Kozuchowski described the close-up of the main entrance behind the Kimchuk building, Exhibits 1A and 1B; the page that follows; a photograph up towards the parking lot of Kimchuk. That's Japanese knotweed. The game plan is for eliminating it and replacing it with native species. These are sketches. I'd rather spend the funding on more habitat restoration, Kozuchowski said. We will manually remove (invasives) and use an herbicide application in August and a second hit next spring. They need a minimum of two hits. Planting is planned for August, 2013, and Kozuchowski described the shrubs; elderberry, dogwood to prevent to the knotweed

from coming back up. The X's and O's represent ground cover. Figure 4 is a satellite figure of Pitney Bowes, and we're doing planting on both sides of the bridge. 2A displays immediately west of the bridge; mostly exotic species. Kozuchowski continued to describe the greenway, the steps, the turf, the vegetation, the pedestrian bridge, Virginia rose shrub, an herbaceous sunny mix; easy to maintain, the north side of the river; the east side of the bridge; 150 shady plantings; with spot treatments with herbicides. Kozuchowski asked for Figure 6, which refers to the south side of the bridge, across from Pitney Bowes. We should have a photo of the existing conditions. Exhibit 3 shows a mixture exotic plants that we need to get rid of. The game plan is on figure 6, and he described the shrubs; and trees, bayberry, grasses, Virginia rose and chokeberry. Get rid of the knotweed and the existing grasses, Kozuchowski continued; hit it with an herbicide, and plant it next fall, 2013. This is One Eagle Road, Figure 7. When the DEEP first gave us our grant money in 1996, Kozuchowski said, they saw this huge mess of silt; a big sand bar in the Still River. We want to honor that pledge; that's why we built the water quality basin. We took out the catch basin, and then an overflow area that is a basin that has worked well for four years; it has now has filled in. We have to clean it out, scoop out that basin with an excavator. We have corporate funding to do that. The knotweed came back the next year. You've got a big load of silt, so we are going to have to keep after that. The second part of the project, 4B, is just overgrown, and we want to kind of highlight this area, using the same process: herbicide and replant it with plantings shown on Figure 8. It's a sunny area. Proposed are grasses and shrubs, bee balm, plus shade tolerant plants; woodland flocks, etc., for the Branson area. The brown is the floodplain soils, and he described the floodplain. Any questions, Kozuchowski asked. Mills asked what can be done about the silt building up so quick? Kozuchowski replied that's a tough one, and he described what he's noticed over the years: a lot of flooding from two sources over the years. He described what happens when the Still River hits Blindkiln Brook. He said he is looking for the corporations to act as stewards. We are going to put a graduated stake in there to see how it fills up. Mills and Kozuchowski discussed what can be done about the silt. Kozuchowski described the oversized sump, but nobody has put this on their maintenance schedule in the City. We need to add to the maintenance list, twice a year, suck out the basin by the City. Esposito asked when was the last time that was dredged? Kozuchowski replied the early 80's maybe; they came and took a lot of silt out of there. Right next to Engine 24, they took a lot of silt out of there, Esposito said. Now you've got a tree laying there. There is a graduated gate, you are saying, Kozuchowski said to Esposito. That is a real problem area for a flooding area, Kozuchowski said. Gallo asked are there any further questions from the commission? Mills made a motion to **table**. It was seconded by Rose and Lees. Motion carried unanimously at 8:09 pm.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: NA

ADMINISTRATIVE STAFF ACTIONS: NA

ACCEPTANCE OF MINUTES: 6/13/12 Meeting. Motion to accept these minutes as presented by Lees. Second by Esposito. Motion carried unanimously. No questions or remarks.

The 6/27/12 EIC meeting was cancelled.

CORRESPONDENCE: NA

EIC ADMINISTRATION & FUTURE AGENDA ITEMS:

Proposed Amendment to EIC Regulations concerning the reduction of EIC fees for applications pertaining to property located in the Downtown Revitalization Zone, as per the recommendations made by the Main Street Renaissance Task Force in the Downtown Danbury: Issues and Recommendations 2010 Report. Public Hearing required per Section 8-26b of the Connecticut General Statutes.

DRZ – EIC Fee Amendment

Amend Section 12. 8 of the Inland Wetlands and Watercourses Regulations of the City of Danbury to add the following new Section:

Add Section 12.8.d.

Notwithstanding subsections a. through c. above, all application fees referred to in the Section 12.8.d shall be reduced by fifty percent (50%) for property locations within the Downtown Revitalization Zone, as specified in Section 7.F. of the City of Danbury Zoning Regulations. Fee reductions do not apply to all related federal and state required fees. You have it there on your agenda, cut the fees just for that area by 50%. We need to motion to set up PH for August 8th.

Motion to move to Public Hearing to open August 8, 2012 by Lees. Second by Rose. Motion carried unanimously at 8:10 pm. All that information will be presented to the commission ahead of time, a map, Gallo said.

ADJOURNMENT: Motion to adjourn by Esposito. Second by Mills. Motion carried unanimously at 8:12 pm.

Next regular EIC meeting is scheduled for **7/25/2012**.