



CITY OF DANBURY
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Environmental Impact Commission
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DRAFT MINUTES

July 25, 2012
City Council Chambers 7:00 PM

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

The Pledge of Allegiance was led by Matt Rose.

SHOW CAUSE HEARING FOR CEASE & DESIST ORDERS: N.A.

OLD BUSINESS:

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 rec'd. 7/11/12. Staff report by D. Baroody. Mark Kornhaas took the mic and said he's read Dan Baroody's report and would be happy to answer any questions. Baroody spoke next, summarized his report, and gave his recommendation. Lees made a motion to **approve** with seven conditions. Rose seconded the motion. Motion carried unanimously at 7:10 pm.

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. B. V. Doto, III, PE. Debris & planting plans rec'd. 7/19/12. Gallo introduced this item as Ben Doto took the mic. This has been in front of this commission for several meetings now. Doto spoke about the history of the application, and the previous input by Bruce R. Lees. Doto summarized the seeding, the

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mulch, the fence to prevent dumping, the grading permit to be obtained. Bruce R. Lees asked are there new plans for this? It looks the same, Doto said, and he summarized the E01 plan and the July 19th letter; what is to be done. Lees asked is there going to be any barriers? Doto said it's a dead flat piece of property. The barrier will be the chain link fence. It will look like it did before. Down the road, if we have to come back, we will be in front of the EIC, Planning and Zoning, Doto said. Rose made a motion to **table**. Rose seconded the motion. Motion carried unanimously at 7:13 pm.

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. Impact report by Dan Baroody 7/25/12. Chairman Gallo introduced this application at 7:14 pm. Dan Baroody took the mic and explained the additions to the application by Jack Kozuchowski, and his own impact report in the file. Staff recommends a summary ruling with the 7 conditions on page 4. Lees made a motion to **approve** with the seven conditions. Rose seconded the motion. Motion carried unanimously at 7:15 pm.

NEW BUSINESS:

25 Miry Brook Road

Regulated Activity # 937

Voellman Nurseries, Carl Sayers

Lot # F19011, IL-40 Zone.

Date of Receipt: 7/25/12.

Grading, Sediment, Erosion Control Plan.

First 65 Days: 9/28/12.

Artel Engineering Group, LLC

Second 65 Days: 12/2/12.

Proposed wetland restoration. Gallo introduced this item and Dainius Virbickas, PE, of Artel Engineering Group, LLC, came forward. He set the grading and sediment and erosion control plan on the easel. Virbickas introduced himself representing Mr. Sayers, the property owner. Based on a memorandum decision by the court, we've worked with Tom Petras and Mr. Sayers, Virbickas said. Our proposal currently shows two areas shaded in green, where we will remove fill. Areas are divided by a proposed drainage ditch, and he discussed the west and east square feet of wetland restoration. Mr. Sayers has requested that he be able to install a 36" pipe with end walls and a backflow prevention device for when the flooding occurs on Miry Brook Road; it will keep the water from flowing back in to the property. Virbickas discussed the trees to be planted. Any questions, Virbickas said, I would be happy to answer them, as well as Mr. Tom Petras. Gallo asked Virbickas to clarify what he is requesting. Gallo asked what are we going to do with everything that's out there now? It's like a junk yard out there now. Virbickas said the vehicles can be removed from that area. Gallo said if the permit is granted, when would work begin. Virbickas replied I think the order states that it has to be completed within three months. Baroody said we will forward, through the chair, this

application to the Corporation Counsel (Peter N. Buzaid, Attorney) to see if this meets the requirements of the court decision. Gallo asked each commissioner if they had any more questions. Lees made a motion to **table** to August 8, 2012. Rose seconded the motion. Motion carried unanimously at 7:22 pm. Thank you, Virbickas said.

Shelter Rock Lane

Regulated Activity # 874R

Danbury Sports Dome, LLC

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

Date of Receipt: 7/25/12
Sportsplex.

Sympaug Properties, LLC / Shelter Rock

First 65 Days: 9/28/12.

Artel Engineering Group, LLC

Second 65 Days: 12/2/12.

Amendment of Permit. Gallo introduced this petition and said I don't see anybody here. Mr. Baroody said it is Shelter Rock. Secretary Lee said it's Artel Engineering Group, LLC, Dainius Virbickas. Virbickas again took the mic, thanked the commissioners for their patience and re-introduced himself. We are here to ask for a permit modification. Since our approval (on February 9, 2011), certain things have changed. Virbickas described the 60 Shelter Rock Lane previous sewer installation proposal. Ben Doto was the engineer on that. Things have happened. We no longer have access to that sewer line. Virbickas described that the road is strewn with utilities. So that sewer line location was not possible. We then approached the Town of Bethel, and we proposed to perhaps connect into their pressurized line with our pressurized line. It would potentially have to overcome such obstacles, but that previous route, the door was shut on us, Virbickas said. We propose now to take our sanitary sewer and pump it under the wetlands; a two-inch line, through 160 feet of wetlands and the brook itself; a daunting task. We're proposing to use directional boring technology, and it's really cool, Virbickas said. This past winter we did almost an identical boring in the Town of Ridgefield at the beginnings of the Norwalk River, which Virbickas described. They are using the septic system now. I've got several pictures of the directional boring equipment which you can keep. This is a picture of the actual hole. There was ground water on the property which that hose pumped out; it's put into a holding tank, and carted away and we keep moving. The last photo shows like in the movie "Tremors", like a giant worm coming out of the ground, and Virbickas described how the machinery works. Matt Rose said, through the chair, how deep does it go. Virbickas replied we want to keep our pipe under frost, similarly under the brook, about eight feet under the river, when it was pushed under. Lees asked how do you show where is goes? How would they propose the depth? Virbickas explained the shovel-head device that goes down or up. Lees and Virbickas discussed how is it monitored, and how the operator directs it. The Norwalk River is very similar in size to this. Esposito asked, through the chair, a two-inch pipe or a four-inch pipe? Virbickas said a two-inch pipe in a four-inch pipe and described how it will be placed, one inside the other, double walled; double protection. Rose asked on-site septic was not permitted? Virbickas: responded we tried. Part of the zoning regulations require that it must have municipal sewer. It is right in the zoning regulations, Virbickas said. Virbickas passed out more photographs showing the sewer manholes. So it's a pretty clear shot, and he gave Gallo additional photos, from different points of view. Lees asked Dan Baroody how would you

feel about an administrative approval for this? Would you feel confident? Baroody said it cannot be done administratively since there are wetlands there. I have reviewed the plans. Baroody explained how they could vote tonight. Gallo described the motion he wants to ask for. Lees made a motion to **amend the original approval** for these 160 feet. Gallo said as presented. Rose seconded the motion. Motion carried unanimously at 7:39 pm.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: N.A.

ADMINISTRATIVE STAFF ACTIONS: N.A.

VIOLATIONS:

Bernadine A. Henry, 39 North Nabby Road (L06004), Cease & Desist Order sent 7/9/12, filling conducted without EIC permit, to appear with restoration plan and EIC application at September 12, 2012, meeting for discussion. We are waiting for a response, or we'll send the sheriff out, Baroody said.

ACCEPTANCE OF MINUTES: Motion to accept the 7/11/12 meeting minutes as presented by Rose. Second by Esposito. Motion carried unanimously at 7:20 pm.

CORRESPONDENCE: CT DEEP Statewide Drainage Maintenance Activities Approval 6/11/12.

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** to open 7 pm on **August 8, 2012**, per Section 22a-42a of the Connecticut General Statutes. This is the one we said we are going to send to Public Hearing, Gallo said. Dan said we will have a bigger map for the public hearing, but the language for the amendment is right there. Gallo read the language from the agenda, as follows:

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. Lees interjected this has nothing to do with the wetlands; just the fees. Baroody passed out the farming exemption in the wetlands, from the CACIWAC agency, perhaps involving the North Nabby Road item (Bernadine A. Henry C & D Order). Gallo, Rose and Baroody discussed

this. This just came out in our summer, 2012, CACIWAC newsletter ("The Habitat"), Baroody said ("Inland Wetlands and Watercourses Act, Connecticut General Statutes Section 22a-40: Permitted Operations and Uses Subsection (a)(1): Farming"). Rose said I remember reading about this a few years back. Baroody said there's some good reading there.

ADJOURNMENT: Motion to adjourn by Lees. Second by Rose. Motion carried unanimously at 7:40 pm.

The next regular meeting of the DEIC is scheduled for August 8, 2012.