



CITY OF DANBURY
155 Deer Hill Avenue
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Environmental Impact Commission

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DRAFT MINUTES

August 8, 2012

City Council Chambers - 7 pm

Chairman Bernard Gallo called the meeting to order at 7:05 pm. Present were Gallo, William Mills, Craig D. Westney, Matthew Rose, Michael Esposito, Alt. Josh Reilly. Absent were Alt. Derek B. Roy, Bruce R. Lees, Mark Massoud. Staff present were Daniel Baroody, RS, MPH, Patricia Lee, Secretary.

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

PUBLIC HEARING:

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 tonight, per Section 22a-42a 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.

Gallo read the above and asked is there anyone here from the Public who wants to speak on the petition. There were none. Dan Baroody took the mic and identified himself. Baroody described the contents of the petition. There are not many wetlands or resources in this downtown zone. Gallo asked are there any questions at 7:09 pm. Gallo reiterated this twice. Mills motioned to close the public hearing. Esposito seconded the motion. Motion carried unanimously at 7:10 pm with none opposed.

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DANBURY TOWN CLERK

2012 AUG 23 P 1:50

BY: *Me*

Baroody reminded Gallo that we have to have a motion to approve the amendment. Rose made a motion to **approve the amendment**. Mills seconded the motion. Motion carried unanimously.

SHOW CAUSE HEARING FOR CEASE & DESIST ORDERS: NA

OLD 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. B. V. Doto, III, PE. Debris & planting plans rec'd. 7/19/12. Impact report by Dan Baroody 8/8/12. Chairman Gallo introduced this application. Benjamin Doto took the mic and identified himself and described the proposal. Dan has done a report, Doto continued, and I think we have to modify condition #2, as we will have to do that later on. I think these are standard conditions, Doto said. Baroody took the mic saying it's basically to restore the wetland to its original condition: reclamation and restoration, removing the piping, so I agree with the applicant on condition #2, with five conditions; omitting condition #2 on page 4 (*The owner/developer shall field locate all wetlands boundaries and buffers prior to the initiation of any site work, and mark them with permanent monuments. The wetland buffer is defined as an undisturbed area adjacent to the wetland characterized by dense natural or native vegetation. It is an essential wetland enhancement/protection measure, and relates primarily to wildlife habitat and water quality protection.*) Mills motioned to **approve** the reclamation and restoration, omitting conditions #2. Rose seconded the motion. Motion carried unanimously at 7:13 pm.

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. Copies to Steven Danzer, Ph.D., Attorney Peter Buzaid 7/31/12 and 8/7/12. Gallo introduced this item at 7:14 pm, and Dainius Virbickas, PE, took the podium, and placed the plan on the easel. Virbickas identified himself on behalf of Mr. Sayers (present in the audience) on 25 Miry Brook Road. I did a brief presentation at the last meeting. We have since then submitted some court documents and Mr. Sayers would like to... Gallo interrupted saying we will accept these documents from 1988, but we are not going to discuss this. Anyone object to that? Virbickas said, if I may, Mr. Sayers has a photograph from 2006. I'll accept it and we'll look at it, Gallo said. Dainius Virbickas asked Sayers is that all right? Sayers said let them do what they want. Virbickas submitted photographs and duplicates of copies

previously submitted, with the exception of one letter dated January, 2000, from Mark Davis, PE, consulting engineer, who was working on it at the time. Virbickas said at this point all we've done is prepare a remediation plan as recommended by Tom Petras. Virbickas described the fill removal, the filled wetlands removal on the western edge, the depth; getting back down to the grade where Tom Petras is comfortable that the wetlands can be reestablished. Gallo and Virbickas discussed how far back they are going with that. We are pulling that slope back towards the house roughly 50 to 60 feet, approximately 2 to 3 feet deep, Virbickas said. Gallo said and that's where we stand right now on this? It was forwarded to Steve Danzer and Corporation Counsel, and we don't have those reports yet, Gallo said. Baroody said they are still reviewing the application, and I am working with the engineer, and we just need a little more information. Where would this tree line be on this photograph, Baroody asked? Sayers and Virbickas discussed the trees planted. Virbickas said that line, I suspect; it appears to be somewhere in the vicinity of where this is pulled back to. Any questions on any of this, so everyone is on the same page, Gallo asked. Baroody said are there any questions for me? Mills motioned to **table** to 8/22/12 meeting. Reilly seconded the motion. Motion carried unanimously at 7:18 pm. Thank you, Virbickas said. Thank you, Gallo said.

NEW BUSINESS:

Michelle McDonough

Regulated Activity # 938

50 Forty Acre Mountain Road

Lot # K03006, RA-20 Zone.

Date of Receipt: 8/8/12

Residential additions, garage, deck, well.

First 65 Days: 10/12/12.

Artel Engineering Group, LLC.

Second 65 Days: 12/16/12. Gallo introduced this item. Virbickas said that's me again and came back to the dais. Virbickas reintroduced himself for Mrs. McDonough, who owns a parcel about a half acre in size, on the west side of Forty Acre Mountain Road on Candlewood Lake. She lives in a two bedroom home constructed in 1931-ish. What she would like to have on this property: this small house, a detached garage in front of the home, and a couple of small additions in the front and the rear of the house, and a deck on the Lake side. Virbickas discussed the distances from the Lake, squaring out the house, a basement addition; the entry and mud room, the one level house. The addition in the rear is just on the basement level; it will be finished off and the deck will wrap around the west side of the house. Virbickas discussed the overhangs, the 3 bay garage and studio above the garage, basically where I've colored in green. There will be a relocation of the existing well to build the addition, and push up the hill, and what's required by the health department for a septic plan, and that's depicted in the southwestern portion of the property. We do not intend at this time for that septic to be replaced; just a place holding, should we later need to replace the existing system. Mills asked about above the garage. Virbickas described the roof pitch, a room that has an eight foot ceiling. Septic was put in when, Mills asked. Virbickas said I'm not sure, and he looked at his records. The only thing on file was the approximate location of the tank. The tank they pump out, and it's located about 22 feet away from the house, Virbickas said. Mills asked how far would the new septic system be from the Lake, and Virbickas responded about 40 feet away or so. Thirty-five feet is the nearest that the filling might be if that septic system is replaced. Mills

asked, through the chair, I'd like to do a site walk, and have the applicant stake the deck end and the addition in the rear. Virbickas agreed. A site walk could be scheduled about the 20th or 21st of August, Gallo said. Virbickas said no problem. Gallo asked are there any questions or remarks? Mills made a motion to **table** till the next meeting. Second by Westney. Motion carried unanimously at 7:31 pm.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: N.A.

ADMINISTRATIVE STAFF ACTIONS:

Gallo read the Administrative Approvals done by Daniel Baroody, RS, MPH, on 8/1/12 and 8/8/12:

375 Main Street, Regulated Activity # **933**, East Franklin St. Pump Station, City of Danbury Engineering Dept., (H13305) CG-20 Zone.

Christopher Columbus Ave., Regulated Activity # **922**, Water course piping replacement, Jensen Communities, (D15017) IL-40 Zone.

179-183 Clapboard Ridge Rd., Regulated Activity # **934**, St. Ann's Greek Melkite Church, parking area, (E07093), RA-40 Zone.

46 Shelter Rock Road, Regulated Activity # **634R**, Peter H. Daria, Concrete dumpster pad, (K15108), IL-40 Zone.

Gallo said we've gone through most of these. And in September we have a violation coming in. Did we get the green card on that? (Bernadine A. Henry, 39 North Nabby Road, below). I need to know, Gallo said.

VIOLATIONS:

Bernadine A. Henry, 39 North Nabby Road (L06004), Cease & Desist Order sent 7/9/12, filling conducted without an EIC permit, to appear with restoration plan and EIC application at the September 12, 2012, meeting for discussion.

ACCEPTANCE OF MINUTES: Motion to accept the 7/25/12 meeting minutes as presented by Rose. Second by Esposito. Motion carried unanimously

CORRESPONDENCE: NA

EIC ADMINISTRATION & FUTURE AGENDA ITEMS: NA

ADJOURNMENT:

Motion to adjourn by Rose. Second by Reilly. Esposito said I will be on vacation August 22, 2012. Motion to adjourn carried unanimously at 7:31 pm.

The next regular meeting of the DEIC is scheduled for August 22, 2012.