



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

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

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BY: 

**DRAFT MINUTES**

**November 28, 2012**

**City Council Chambers 7:00 PM**

Next regularly scheduled meeting date **December 12, 2012.**

Chairman Bernard Gallo called the meeting to order at 7:08 pm. Present were Gallo, William Mills, Matt Rose, Michael Esposito, Alt. Derek B. Roy, Alt. William Nicol, Alt. Josh Reilly. Gallo welcomed new member Alternate William Nicol. He will get sworn in.

Absent were Craig D. Westney, Bruce Lees, Mark Massoud.  
Staff present were Daniel Baroody, RS, MPH, Patricia Lee, Secretary.

All stood and recited the Pledge of Allegiance.

**PUBLIC HEARING:** NA

**SHOW CAUSE HEARING FOR CEASE & DESIST ORDERS:** NA

**OLD BUSINESS:**

**50 Forty Acre Mountain Road Regulated Activity # 938**

**Michelle McDonough**

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.

Candlewood Lake Authority comments rec'd. 8/20/12. Staking done. Site visit 8/21/12.  
House plans rec'd. 8/23/12. Artel tabled on 9/12/12 & 10/10/12. Extension letter rec'd.

10/17/12. Revisions, response rec'd. 9/25/12. Candlewood Lake Authority's additional comments rec'd 11/7/12. The applicant is still waiting for information from the mortgage company and for the client to decide. Motion to **table** by Mills. Second by Rose. Motion carried unanimously.

**193-207 Great Plain Road**

**Regulated Activity # 723 RRR**

**Savannah Hills Subdivision**

J. Cordeiro, RA-80 Zone.

Date of Receipt: 8/22/12.

Michael J. Mazzucco, PE

First 65 Days: 10/26/12.

Extension letter rec'd. 10/11/12. Tabled 10/24/12 and 11/14/12. Staff report by Dan Baroody 11/28/12. Gallo introduced this item and Michael Mazzucco, PE, came forward and identified himself and his address. Last time we were before the commission, Mazzucco said, we were just waiting for input from the planning commission and the traffic engineer on the realignment of the road. Everybody finally gave their blessing. They closed the public hearing, and are waiting for a decision from the Environmental Impact Commission. Peter Dunn reviewed the plans, and that has all been done. Gallo asked are there any questions on this. Mazzucco briefly summarized the lot changes since the previous applications. Mazzucco asked are there any questions. Everyone seems up to speed, Chairman Gallo said. Dan Baroody said point of order, through the chair, I would like to put into the record my project report, which Baroody summarized. Staff recommends a summary ruling to approve with the 9 conditions on the last page of my report. Rose made a motion to **approve** by summary ruling with the 8 conditions. Mills seconded the motion. Roy had one question. Roy asked can we add the storm water stamps to the drains? I did not see that in the conditions, Roy said. Rose said I will amend the motion to include the stormwater drain labeling. Mills seconded the motion. Roy said the new condition makes **9** conditions. Rose reiterated 9 conditions. Motion carried unanimously at 7:15 pm.

**63 Ta'Agan Point Road**

**Regulated Activity # 941**

**Wayne Firmender**

Lot # I06019, RA-20 Zone.

Date of Receipt: 10/10/12

R.J. Gallagher, PE.

First 65 Days: 12/14/12.

Upgrade dwelling, septic, drive, lakefront.

Tabled 10/24/12, and 11/14/12. Site walk to be scheduled. Candlewood Lake Authority comments received 11/7/12. Staff report by Dan Baroody 11/28/12. Ralph J. Gallagher, Jr., took the mic and said I do have a copy of the report. Any questions from the commission, Gallagher asked. Baroody said I would like to place into the record my staff report which he summarized. Staff recommends a summary ruling with the 5 conditions on page four. Any questions for Dan, Gallo asked. Rose made a motion to **approve** with conditions. Reilly seconded the motion. Motion carried unanimously at 7:17 pm. Gallagher said thank you.

**Powell Street, Lot #105**

**Stephen D. Surace**

Date of Receipt: 10/10/12.

First 65 Days: 12/14/12.

Tabled 10/24/12 and 11/14/12. Gallo said we've been asked to table this. Reilly made a motion to **table**. Esposito seconded the motion. Motion carried unanimously to table until the 12/12/12 meeting at 7:19 pm.

**Regulated Activity # 940**

Assessor's Lot # I05154, RA-20 Zone.

M. Mazzucco, PE

Single-family dwelling, septic, driveway.

**14 Newtown Road**

**William O. Gaudreau**

Date of Receipt: 11/14/12.

First 65 Days: 1/18/13.

Replace wooden decks. William Gaudreau came forward and explained the new design for the decks: no longer cantilevered. We are 190 feet from the river. I'm in front of the building. I propose to rebuild the decks with 6" by 6" posts set in concrete footings. Roy asked did we take in an application. Baroody said I'm good. Roy made a motion to **table**. Rose seconded the motion. Motion carried unanimously.

**Regulated Activity # 942**

Assessor's Lot # K13175, CG-20 Zone.

dba, Goodrow Construction Company.

Riverbend Condominium Association, Inc.

**NEW BUSINESS:**

**Padanaram Road**

**Cotswold of Danbury**

Date of Receipt: 11/28/12.

First 65 Days: 2/1/13.

44 residential, cluster units. Chairman Gallo introduced this new business at 7:20 pm. Dainius Virbickas, PE, came forward and placed his plan on the easel. He introduced himself and his company and address on behalf of the applicant. This is a 74.15 acre parcel at the north end of Eastwood Road. This property was the subject of prior application for more intense development. New owners have requested that we reapply with a much less intense development. He described the two pieces of land comprising the site. What we are proposing to do is to concentrate the development in the southwest corner of the plot; approximately 20 acres of land for that development, and the rest left in its existing state. The prior applications have been reviewed. We met with staff several times, and with Dr. Danzer, and reviewed his concerns on the original applications. We had added wetland

**Regulated Activity # 943**

Assessor's Lot # F07052, RA-20 Zone.

Artel Engineering Group, LLC.

Heatherwood Acres

delineations. We hired Matt Popp (Environmental Land Solutions, LLC), and also Otto Theall, another soil scientist. Of this 74 acre parcel there are approximately 18.7 ± acres of wetlands on the property. The brook defines basically the eastern property line of the property, as well as the road. We proposed 44 homes, accessed via Eastwood Road, Virbickas continued. As some of commissioners may know, this property was in the beginnings of development, and it was left abandoned probably 30 to 40 years now. We will follow the same horizontal alignment basically. I'll go to a larger scale drawing, as you are positioned on the property as a whole. Sheet 6 depicts the south western corner of that property. To serve this property, we propose municipal water, but City Engineering and Public Utilities recommend that we extend the water service basically from Danbury High School north in Eastwood Road and into the site. For sanitary sewer, we propose to collect the sewage in a central direction, cross the brook and extend west, in an existing gravel road bed, and then go quite a ways along that old road bed, then connect into the sanitary sewer that runs along Padanaram Brook. Over the years, the old catch basins and this ditch have been breached, and this has caused extensive erosion over this property. So we intend to capture that water and control it. We have proposed modifications to that ditch, going all the way up to Clapboard Ridge Road; route some of that water and discharge it to the southern end of the area of development. We will capture other runoff with head walls either right to the Padanaram wetlands, or through a couple of water quality basins to the east of the home sites. In realty this first water quality basin is about 255 feet long by roughly 240 feet wide. It will continue on to another smaller water quality basin, prior to discharging to the Padanaram Brook along the property line. I had spoken earlier of wetland concerns by the commission, and we went to great efforts to define them. The next page of the map represents that south western portion of the area, a cluster development. The blue are swales. Some of these channels are where the discharge comes from property to the left that has overrun. It looks like this area is over-excavated, Virbickas continued. He showed the remnants of the old foundations. Driveways were placed and have since washed away, so the water discharges further down the slope. You can actually see the corrugated metal pipes that were laid in; over time, the cover has washed away. These were the areas that were of concern to the Commission before. When you take a site walk, you will see the decaying foundations which will have to be removed which will affect the wetlands. In total, the wetland impact to this area, with the entire development, 7056 square feet will be eliminated or impacted wetland. We are creating little pockets, looking to give back, so the net loss of wetlands is roughly 3722 square feet. He described the watercourses, the ditches and their total. These areas will be mitigated to some extension, Virbickas said. We will create a pocket of wetlands in this central area just above this eyebrow driveway, and enhance and preserve another as part of our development. What makes this proposal different to the previous one is our concentration of development in the south western area. I realize this is a lot of information, and the commission will probably schedule a public hearing and a site walk, so I may hold off till when the public is invited to listen, Virbickas said. Gallo said that overflows its banks every time it rains; the Padanaram Brook. Virbickas said it's a large brook, and I can look into what causes it to flood. FEMA holds that as a 100 year storm event, it's beyond the scope of this development. Mills asked that we put this as a public hearing, the wetlands be flagged, and a site walk scheduled. Mills asked Virbickas to look into possible reduction and in slowing it down to address the Padanaram flooding that occurs. Roy asked is there a way to calculate outflows as existing and proposed? When there's a large storm, Bernie's right, it floods, and we'd like to see a reduction, Roy said. Chairman Gallo asked Dan Baroody his for input. Baroody said we could arrange a site walk prior to a public hearing. Roy suggested before it snows; it's a big project. Mills agreed. Chairman Gallo said we've been

up there in the summertime. Motion to **move this to public hearing** by Mills. Roy seconded the motion. Gallo asked are there any remarks? Motion carried unanimously at 7:43 pm. You will flag the wetlands, right? Virbickas asked is the commission interested in the lower wetland as well? Rose replied we'd like to see it. Virbickas said thank you very much for your consideration. Chairman Gallo said they said you had Dr. Danzer out there before? Baroody replied only in pre-application. Rose made a motion to **table**. Mills seconded the motion. Motion carried unanimously.

**39 North Nabby Road**

**Regulated Activity # 944**

**Michael Henry for Henry Farm, LLC**

Assessor's Lot # L06004, RA-80 Zone.

Date of Receipt: 11/28/12.

Ralph J. Gallagher, Jr., PE

First 65 Days: 2/1/13.

6.377 acres, Bernadine A. Henry, Owner.

Cease & Desist Order sent 7/9/12, filling conducted without EIC permit; to appear with a restoration plan and an EIC application at the 9/12/12 meeting for discussion. Neighbors' opposition letters rec'd. 9/10/12, 10/10/12, and 10/22/12. Soil analysis & authorization letter rec'd. 10/10/12. Site visit 10/17/12 cancelled. Gallo recommended site vigilance 11/14/12; the neighbors have seen trucks. After an introduction by Chairman Gallo, Neil Marcus, Attorney at Law, took the podium and identified himself. The application seeks to get a declaratory ruling; the fill that's going on is reclamation of a farm lot, Marcus said. Ralph J. Gallagher, Jr., PE, is here too. It's about 6-1/2 acres, and Marcus described the vicinity and the Henry's have been using this for many years for a farming operation. They are registered and taxed as a farm. Under the EIC regulations, as I read them, there are certain types of work that are done that are permitted as of right. None would be prohibited; we are not proposing any structures at this time, and the material we are using is terrific, and it was mined from the Cherry Hill contractor out of Branford working on two Brookfield sites. Ralph has put together the maps. Henry Moeller has marked the wetlands, Marcus continued. Most of the fill is adjacent to the wetlands; a slight amount of fill is in the wetlands. That's the extent of the work that has been done. Chairman Gallo said I'm not going to dispute now if this is a farm or not, but we cannot determine this until we have a site walk with Dr. Danzer there. The commissioners will want to attend the site walk also. I'd like to table this. Gallagher took the podium and said you had asked me about the quantity of fill, and Mr. Henry assured me, and I overlaid the two, and that topsoil material is outside of the regulated area. Chairman Gallo said I'd like to see that. Gallagher said some of it was cut from the top portion of the site; there may have been some that was moved. Rose said I have a question: what is the reason for the planning. Gallagher said it's part of a fallow area. Chairman Gallo said it's for the expansion of a farm, but we need to establish first that it is a farm. Chairman Gallo said we must do a site walk next. Marcus said you arrange it. Chairman Gallo said I need a motion to table. Mills made a motion to table. Reilly seconded the motion. Motion carried unanimously. An on-site should be done before any activities are done in a regulated area. We are not trucking anything into the regulated area, Marcus said. And now since Mr. Moeller's been out there, we know the distances. Motion carried unanimously to **table**.

**APPLICATIONS FOR ADMINISTRATIVE APPROVAL:** NA

**VIOLATIONS:** NA

**ACCEPTANCE OF MINUTES:** Motion to approve the 11/14/12 meeting minutes as presented by Rose. Second by Mills. Motion carried unanimously.

**CORRESPONDENCE:** The Agricultural Exemption by Attorney Janet Brooks (CACIWAC) regarding farm lands.

**EIC ADMINISTRATION & FUTURE AGENDA ITEMS:**

Nominations of Officers. ELECTIONS of EIC OFFICERS to be scheduled for 12/12/12 DEIC meeting. Gallo said the nominating committee will come back on 12/12/12. William Mills, Matt Rose, and Michael Esposito are appointed as the nominating committee, Gallo announced.

**ADJOURNMENT:** Motion to adjourn by Mills. Second by Reilly. Motion carried unanimously at 7:53 pm.

The next regular meeting of the DEIC is scheduled for December 12, 2012.