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Environmental Impact Commission
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DRAFT MINUTES

March 12, 2014

7 PM

City Council Chambers

Chairman Bernard Gallo called the meeting to order at 7:00 pm. Present were Gallo, Alt. Will Nicol, Alt. Derek B. Roy, Craig D. Westney, William Mills, Matthew Rose. Absent were Mark Massoud, Alt. Josh Reilly, Michael Esposito, Bruce Lees.

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

PLEDGE OF ALLEGIANCE: Led by Derek Roy.

EXECUTIVE SESSION: NA

PUBLIC HEARING: NA

SHOW CAUSE HEARINGS FOR CEASE & DESIST ORDERS: Is Ben coming tonight, Dan? No one is here yet, Gallo said. Ben Doto arrived at 7:02 pm.

Deposition of materials, Still River, four C & D Orders mailed 2/19/14:

- 65 Beaver Brook Road, Marvin E. Merrill, Army Corps of Engineers, 12/20/13.
- 67 Beaver Brook Road, Rose P. LoStocco, Army Corps of Engineers, 12/20/13.
- 73 Beaver Brook Road, Henrique Amado, Army Corps of Engineers, 12/20/13.
- 75, 79, 83, 85 Beaver Brook Road, Joseph LoStocco III, Army Corps of Engineers, C & D Order, 6/25/13.

Dan Baroody said he spoke to Mr. Merrill today, and told him although it's a tenant, you are the property owner. Merrill will work with staff; we can close the hearing and keep Merrill's Cease & Desist Order in force. Ben Doto said I have more answers for you today. Benjamin V. Doto, III, PE, introduced himself at 7:03 pm. At the last meeting there was some confusion as to exactly what properties should be fixed. I had a meeting out there today with Dan. Feel free to pipe in Dan, Doto said. 75 was the remediation plan. 79 we walked today. We feel fixing the berm would probably cause more problems than it would help. Taking it down does not make any sense. I'll let Dan touch on that, Doto said. 83 is a piece of property my client purchased in 2011. Same with 85. They are currently just storing trucks there. 83 is not even on the river; it's a small parcel; nothing has been done there recently. 85 also; the concrete pipe stored at the top, the fence that's collapsing, and a piece of an old brick wall. Nothing that's been dumped recently, but it could be cleaned up, Doto said. Baroody said it's my advice to close this portion of the Show Cause hearings, then omit the properties at 83 and 79, and reissue a Cease & Desist Order for 73 Beaver Brook Road.

75 all disturbances. Rose made a motion to **close** the four Show Cause hearings for Beaver

Brook Road. Second by Mills. Motion carried unanimously. Doto asked Baroody what's my next stop for 85? Baroody replied just add 85; just do a schedule of your cleaning up of the property; the pipe, the brick wall. Gallo said we will reissue a Cease & Desist Orders to 73. Rose made a motion to reissue a Cease & Desist Orders to 73 Beaver Brook Road. Mills seconded the motion. Motion carried unanimously at 7:09 pm. Mills asked 67 and 73, who owns these? The owners are spelled out, Baroody said, and it's been on the agenda for two hearings and they have not appeared. So action by Corporation Counsel is in order. Roy made a motion to move 67 and 73 over to Corporation Counsel for further enforcement actions. Second by Nicol. Motion carried unanimously at 7:10 pm.

OLD BUSINESS:

**97 King Street
Pondview Development, LLC**

Regulated Activity # 972
Assessor Lot #B06006, RA-80 Zone.

Date of Receipt: 1/22/14. Twelve-lot SF residence subdivision, wells, septic.
First 65 Days: 3/28/14. Artel Engineering Group, LLC. 38 ± acres.
Second 65 Days: 6/4/14. Revisions, deed, maintenance rec'd. 1/30/14.
Danzer preliminary report 2/12/14 rec'd. Site visit 3/18/14, 1:30 pm, Tuesday. Gallo introduced this request and Virbickas took the mic on behalf of the applicant, and then Anthony Lucera came forward and talked about the Pondview subdivision. Virbickas said we submitted four copies of the homeowners' declaration, the maintenance plan, the warranty deed and the environmental analysis so that the EIC is kept up to date, and I have two pages of points that I could go over with you, or discuss just what might have impacts close to the regulated activities. First I will talk in generalities, Virbickas said. We prepared an environmental analysis, pollutant loading calculations, with minor modifications to the north detention basin, closest to the back of the property. We lowered the bottom by 6 inches. We did widen the level spreader because we had room for 190 feet, allowing additional volume for storage. All this work is outside of the 100 foot review area. The modifications to that catch basin are per the engineering department, with a double grate catch basin. It takes on the whole hillside of the development; not an impact, but of interest to the commission. Other items that we did, we added a sidewalk to the road. Staff had requested that we put in a sidewalk, to go right along side the edge of the road; just a minor modification. Not a big deal. Also, per engineering, include specifiers' work sheets. Two small concentrators are proposed on the plan; submit that documentation for engineering, and Conteches told me today that the concentrators that were specified do meet the criteria as designed. Note also that concerning the Environmental Analysis, wetland staff has reviewed that and found it all is well. We are going to taking a site walk on Tuesday. Anthony Lucera said the sidewalk is going to be revised. Planning is pretty much done with us. I had requested no sidewalks; and three and a half commissioners agreed with me, so we do not have to do sidewalks, Lucera said. Jennifer (Emminger) said I should wait for this commission's approval. We will stake and flag it for the site walk, and we will stake the rear of the houses. The staking should be done by Friday. Thank you, Lucera said. Virbickas said one other item, in speaking with the representative from Conteches, he enlightened me that there are now new technologies available that meet or exceed requirements of the State of Connecticut. If we get to the point that the commission views favorably on this, if we could perhaps work with staff for a less expensive Conteches. Motion to **table** by Mills. Rose seconded the motion. Motion carried unanimously at 7:21 pm.

**147-153 Middle River Road
William Lavelle**

Regulated Activity # 973
Assessor's Lot # C10052, RA-40 Zone.

Date of Receipt: 2/12/14.

First 65 Days: 4/18/14.

Second 65 Days: 6/22/14.

Gallo introduced, no site walk. No one is here. Motion to **table** by Mills. Second by Westney. Motion carried unanimously.

Six lot residential subdivision, driveways.

Wells, septic systems, two wetland corridors.

Table till site visit. Copy to Danzer 2/27/14.

**50-56 Payne Road
A & J Construction**

Date of Receipt: 2/12/14.

First 65 Days: 4/18/14.

Second 65 Days: 6/22/14.

Gallo introduced this petition, saying they are not here. Baroody said staff requests more time to review this. Rose made a motion to **table**. Mills seconded the motion. Motion carried unanimously.

Regulated Activity # 974

Assessor's Lot # M12009, IG-80 Zone.

Construction materials storage area.

N. Levesque, PE, CCA, LLC

Table till site visit. Copy to Danzer 2/17/14. Gallo

**75 Beaver Brook Road
Joseph III & Francine LoStocco**

Date of Receipt: 2/26/14.

First 65 Days: 5/2/14.

Second 65 Days: 6/29/14. We took care of this already, Gallo said.

Regulated Activity # 975

Assessor's Lot # K11141, IG-80 Zone.

Excavation, fill restoration, mitigation.

B. V. Doto, III, PE.

**8 Pocono Point Road
William Joyce**

Date of Receipt: 2/26/14.

First 65 Days: 5/2/14.

Second 65 Days: 6/29/14.

Motion to **table** by Rose. Second by Nicol. Motion carried unanimously at 7:24 pm.

Regulated Activity # 976

Assessor's Lot # K02008, RA-20 Zone.

SF dwelling, septic, driveway, utilities, dock.

S. Sullivan, PE, CCA, LLC

Request TABLE to 3/26/14 rec'd. 3/11/14.

NEW BUSINESS:

**1 Cherokee Drive
Pandolfi Builders, LLC**

Date of Receipt: 3/12/14.

First 65 Days: 5/16/14.

Second 65 Days: 7/20/14. We approved this once. No one is here. The applicant is not here to present. Baroody said table it. Roy made a motion to table. Westney seconded the motion. Motion carried unanimously. It will be Old Business at the next meeting. **Ralph Gallagher arrived at 7:29 pm.**

Rose made a motion to move this **off** the table. Second by Mills. Motion carried unanimously at 7:30 pm.

Ralph J. Gallagher, Jr., introduced himself, stating this is just under one acre on One Cherokee Drive. There are no wetlands on the property, however a stone wall borders a small runoff from Cherokee Drive. Gravel, sand, a very good piece of property, and no fill is required for the septic, Gallagher said. The well will be in front by Cherokee. A stone wall will protect anything from entering the wetlands. There's very little excavation; a standard house, septic, well. Are there any questions, Gallagher asked. Baroody said, again, this one is pretty minor and you could remand it to administrative approval. Motion to **move to**

Regulated Activity # 977

Assessor's Lot # D05035, RA-40 Zone.

SF dwelling, septic, driveway, well.

R. J. Gallagher, Jr., PE

administrative approval by Rose. Nicol seconded the motion. Motion carried unanimously at 7:32 pm. Gallagher said thank you.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: NA

VIOLATIONS: **155 Long Ridge Road**, Edward Bramson, Lots #I24011, I23012, I23011, I23015, I24003, RA-80 Zone, Cease & Desist Order sent 11/4/13 to NYC. Copy of communication to Army Corps of Engineers from Neil R. Marcus, Attorney at Law, received 2/28/14. Shall file modifications **3/17/14**. Gallo said they asked that we table this, didn't they, Dan? Baroody said they are going to revise their plans according to the Army Corps of Engineers' recommendations. Motion to **table** by Rose. Mills seconded the motion. Motion carried unanimously at 7:26 pm. By 3/17/14, Baroody said, they should have their plans drawn up.

ADMINISTRATIVE STAFF ACTIONS: NA

ACCEPTANCE OF MINUTES: February 26, 2014, Meeting. Motion to approve these meeting minutes as presented by Rose. Second by Roy. Motion carried unanimously. No remarks, no additions, Gallo noted.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS: NA

CORRESPONDENCE:

Aquatic Pesticide Permit Applications:

Aquatic Control Technology - Boehringer Ingelheim Ponds, Briar Ridge Road.

Next regularly scheduled meeting date March 26, 2014, beginning at 6:30 pm, at which time we will go into executive session. Roy said Corporation Counsel, staff and commissioners only.

Mills said we are going to do at least one site walk on Tuesday. Maybe we could do one more; get two done, Mills said. Baroody said we can try to coordinate a couple more. The King Street site walk is pretty much set, and Dr. Danzer will be there also. Maybe we could do one before, Mills said.

ADJOURNMENT: Motion to adjourn by Rose. Second by Roy. Motion carried unanimously at 7:32 pm.