

ENVIRONMENTAL IMPACT COMMISSION

City of Danbury

DRAFT MINUTES

APRIL 8, 2015

7 pm

City Council Chambers

ROLL CALL: Chairman Bernard Gallo called the meeting to order with five commissioners present at 7 pm. Present were Gallo, William J. Mills, Matthew Rose, Michael Esposito, Alt. William F. Nicol. Craig D. Westney and Bruce R. Lees arrived later, totaling seven commissioners present.

Absent was Mark Massoud.

Staff present were Ryan Boggan, Public Health Inspector, Health & Human Services Department, Secretary Patricia Lee.

PLEDGE OF ALLEGIANCE: Led by Mills at Gallo's request.

EXECUTIVE SESSION: NA

PUBLIC HEARING:

**12 East King Street
Delmar Smith**

Regulated Activity # 1000

Lot # D05043, RA-80 Zone.

Date of Receipt: 2/25/15.

3-Lot res. subdivision w/ septic, driveways.

First 65 Days: 5/1/15.

R. J. Gallagher, Jr. & Associates

Second 65 Days: 7/5/15.

7.477 ± acres. Copy to Danzer 2/26/15.

Danzer report rec'd. 4/6/15. Gallo read the legal notice into the record as it appeared. Plans are on file and available for review at The Permit Center. The first item on our agenda is the public hearing opening at 7 pm. The public will speak first. A woman came up to the mic, Julie Forrest. Michael Esposito is here, let record show, Gallo said. Forrest signed in. Our concern is about the two proposed rain gardens because we know that there are guidelines that need to met, including driveways, mosquitoes, maintenance of rain gardens, planting types. Thank you. Tom Forrest 10 East King Street next signed in. My concern mainly about the septic systems and the wetlands, and do we understand 2 and 3 proposed systems, 100 percent septic, compared it to another larger subdivision on 14 acres, 4 lots. The Brooks on W and E are first order streams drain into East Lake Reservoir. There is a foul smell; we don't know what from. Forrest gave a copy to Lee. Jeanette Carlucci, and gave the addresses of the two properties on East King Street, and she signed in at 7:07 pm. There are a few things I'd like to address. Wrote to the mayor and want to make sure the letters were not in offense to you. Mr. Forrest presented the colored plan which Jeanette described. Gallo said that's what's proposed. I would like that explained, Jeanette Carlucci said. Also I would like explained the lot size in the RA-80 zone,. Gallo said that's a zoning issue. Jeanette Carlucci asked why do the wetlands flags cross; I don't understand that; why would the flags cross. It was confusing to see that. Jeanette Carlucci continued, I had spoken to Mr. Baroody also because we did have some questions about that property. There were old cars, race cars, tractors, trucks; kids played there in this "treasure trove". Mr. Smith said 30 or more cars were there at one time. We all have wells; we don't know how that water runs underground. The soil part that's missing in the proposal; so to get a soil contamination test is not typical, Mr. Baroody said, but I should get photos and signatures, and ask for a wetland review, Carlucci said. Part of the proposal, on Mr. Smith's application, he just put in a zero, but later in the application it's called disturbed. After they dig, and bring in fill, things start to while away. This could be done in April, but Smith and Gallagher said they may do it over a period of years, and that's not good. Jeanette Carlucci next discussed the issue of it once being a

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farm, but the neighbors discount this is or was a farm. The plan notes also said no wetlands are to be disturbed, and those words cross a fine line. Some septic systems are 30, 40, 50 feet way, and we have slopes up there, Carlucci continued. To the point of the rain gardens, Ms. Forrest spoke about them; I have children, and she discussed child drowning statistics. I think that is a very dangerous alternative, and that could be reconsidered. Carlucci listed the health issues that may occur; the lack of barriers; two inches only of water is needed to drown a child, but rain gardens I think are 18 inches deep. Mosquitoes carry diseases that I'm sure you are aware of. There was a vehicle fire there in September, 2012, and the police and fire were there; it was considered to be suspicious, and we know that fuel was on the ground there. All the vehicles have been pulled out of there, when I went up there, but there are 50 gallon drums, Carlucci said. Marcus was interested in that property, but after he witnessed Mr. Smith digging engine blocks out of the ground, Marcus was no longer interested. Gallo said let the record show that Bruce Lees is here at 7:15 pm. Jeanette Carlucci continued discussing the parcel, asking for an environmental study, a planning and water review, a watershed review, which I had discussed with Mr. Baroody, and he had nodded. Next Jeanette Carlucci discussed the chemicals that could affect the water system up there: oil, grease and toxic chemical pollutants for drinking water. Joe (Mead) in the Health Department took the big map off the wall and made a copy of this section for me. It's this straight line right here. I'm assuming that that's correct. The pink is the environmentally sensitive areas, and the green is the wetlands. I will leave that with you. The map that I gave to Ryan yesterday, when you go over that; and she described that most of that wall is not standing. It's quite eroded already, but I will show you the pictures. Also, these are pictures of the brook that flows northerly, and she listed the neighbors to that brook. If you look from above, you will see that he has water also, so I will pull these out for you. Carlucci displayed her aerial photos: there's clearly a stream, and that's when they deemed it a first water stream. You guys may have better photo technology. This photo now is from another angle, and she listed the homeowners; you can pretty clearly see it; I've marked it on the back. The commissioners looked at her photos at 7:25 pm. On the overhead view with the stream, you can see the deterioration on his lot; you can see some of those vehicles there. You can see the water and how it circles around at Mrs. Coleman's house. This is just another overhead (photo); you are welcome to all of them. Areas of the yard look like dirt, and if you look on the Weichert Realty website; it will not allow you to print (Weichert.com). What is not showing are two vehicles under the tree, Jeanette Carlucci said. I want to state that our efforts were first to point out these wetlands; maybe the photos don't show them, but we see them in our back yards. UCONN may show the flow going all in one direction; that's not so; it flows in both directions. Based on the current conditions, you see that it is always wet. UCONN recommends on-site evaluations. Other efforts were to show you the amount of debris, and the vehicles. The soil investigation report is missing from the proposal, Carlucci continued. Mr. Moeller's report is about a different lot. There is no report for lots one, two or three. Of equal importance is the amount of activity taking place in such a small area. My family purchased 14 acres up there, and we were able to propose 4 building lots. Mr. Smith has had that free cut; it's not two-acre zoning. Consider the runoff from lots two and three, plus the maintenance involved in those rain gardens. At the second meeting, I believe Mr. Gallagher said they would re-use 12 East King Street, and I have a concern about that. Our road is one car at a time; narrow. Lots 2 and 3 have very little distance to the wetland, and what effects will this have on the soil, the water, and overuse of the land.

Gallo asked is anyone else who wants to speak?

Geri Surovy, of 31 Ball Pond Road, signed in. I'm a property owner on the other side of these wetlands. In the past we have had items other items: a greenhouse was proposed, and then a church facility. Until those commissioners came out and viewed the property, they could not get a sense of the size and impact as well,

Surovy said. In one case for the greenhouse, they conveniently did not show a service stream. I urge you to come out; we are responsible homeowners, with well and septic concerns. Also it appears there is lots of ledge. What happens if they have to blast; what happens to our wells? No one else asked to speak. Ralph Gallagher, introduced himself, representing Mr. Smith and Mr. Magurn. Since the last meeting I have received Steve Danzer's report. Mr. Moeller has had a stroke, Gallagher said. We used Cynthia Rabinowitz instead. Also, Gallagher said we have just received something from Planning about the number of lots allowed. First, rain gardens dissipate water very quickly, Gallagher said. I've never heard of a rain garden that needed a fence around it. The rain garden owners would have to maintain those gardens. Gallagher discussed distances to the wetlands; we will try to work with everybody as much as we can. We are not required to build in that box in some towns, but not in Danbury, so that box is not relevant. The zone is called a two-acre zone, but it is not two acres, and Gallagher stated the real square footage (7.477 acres). Mr. Smith hayed it; he thought it was a farm. One car was a Danbury raceway stock car. The pictures, the old septic system; that was misinterpreted. We are not going to use any old septic. All new wells, and all new septic, which we have to do, Gallagher said. There are no wetlands that will be affected, and no construction in the wetlands. Just the upland setback, Gallagher added. These lots will probably be for sale for over one year, to different owners who would build as they would. The stream is not shown on our plan since it does not show on the topography. It does go to the reservoir. We request to continue this to the next meeting. Gallo said one meeting at a time. Bruce R. Lees made a motion to **continue** the **public hearing** to 4/22/15. Nicol seconded. Motion carried unanimously at 7:47 pm.

SHOW CAUSE HEARING FOR CEAST & DESIST ORDER: NA

OLD BUSINESS:

<p>Milestone Road RMS Companies</p> <p>Date of Receipt: 2/25/15. First 65 Days: 5/1/15. Second 65 Days: 7/5/15. Copy to Danzer 3/2/15. Staking complete 3/23/15. Danzer report rec'd. 4/6/15. Site visit 2 pm, 4/8/15. Gallo introduced this item. Mark Kornhaas said I will be brief. Gallo said we will do our own site visit, and Kornhaas interjected I will try to be available for the site visits. We did discuss many things today out in the field. Kornhaas said we do have the Danzer report. We want to do a site visit; if anyone can't make it, we will plan for a second one. Bruce R. Lees made a motion to table. Nicol seconded. Motion carried unanimously at 7:45 pm.</p>	<p>Regulated Activity # 1001 Lot # C15022, PND Zone. 111 Room hotel, parking, utilities, landscaping. Artel Engineering Group, LLC. The Reserve, Parcel 19A, Phase 8A.</p>
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<p>129 Park Avenue BRHC Realty</p> <p>Date of Receipt: 3/11/15. First 65 Days: 5/15/15. Second 65 Days: 7/19/15. Staking done 3/18/15. Revisions rec'd. 3/26/15. Gallo introduced, and said Gallo, Mills and Posthauer did a site visit. Russell Posthauer took the mic and talked about moving the building closer to the road. We don't have to worry about the drop-off behind the site, just the sewer. We can't control the closeness of the sewer to the wetland, Posthauer said. Mills asked Posthauer for a cuts and fills report yesterday. As long as you did not forget me, Mills said. Does anyone want to do an on-site, Gallo asked. You will see some flags there, if anyone is interested in going. Bruce R. Lees asked, by ourselves? If you like, yes, said</p>	<p>Regulated Activity # 1002 Lots # G16147, G16148, IL-40 Zone. Medical office building, parking, drainage, utilities. CCA, LLC</p>
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Gallo. Motion to **table** by Bruce R. Lees. Second by Michael Esposito. Motion carried unanimously at 7:49 pm.

NEW BUSINESS: NA

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: NA

VIOLATIONS: NA

ADMINISTRATIVE STAFF ACTIONS:

67 Cedar Drive, Lake Bed clean-up, Abigail Adams, RLA, EIC **1003**. I think we were aware of that.

ACCEPTANCE OF MINUTES: March 11, 2015 (The March 25th meeting was cancelled.) Bruce R. Lees motion to accept these minutes as presented. Westney seconded the motion. Motion carried unanimously 7:50 pm.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS: Kenosia Park Beach Area Grass & Plants, EIC # **925R**, Lake Kenosia Commission.

CORRESPONDENCE:

DEEP Notice of Approval for Algonquin Gas Transmission, LLC, for expansion of existing buried natural gas pipelines, by Spectra Energy Partners, Section 401 Water Quality Certification Permit, through 7 Connecticut cities, AIM Project, with 23 conditions, dated 3/12/15. We all have that, Gallo said.

Mills asked about the 26 Mountainville Road violation. Gallo said that's been sent to Corporation Counsel. Gallo asked Ryan Boggan to look into this. (Note: the Non-compliance letter sent certified mail – return receipt requested – on 2/19/15, to MRO Property, LLC, on Meadow Street, came back to City Hall unclaimed.)

Mills asked to do a site visit at East King Street, **EIC 1000**. Health Director Scott LeRoy has told us he cannot assist us with any site visits, Gallo said.

Mills said I don't remember a maintenance building being approved at Kennedy. Mills continued, on March 9th, a building permit was issued. I don't remember the EIC approving a maintenance building. I should come down. Secretary Lee said it is far from the wetlands. Mills said it's all contaminated. Secretary Lee said you should come down to see the plans. Boggan said again we can address this.

ADJOURNMENT: Motion to adjourn by Bruce R. Lees. Esposito seconded the motion. Motion carried unanimously at 7:57 pm.