

ENVIRONMENTAL IMPACT COMMISSION  
City of Danbury  
DRAFT MINUTES  
**JULY 22, 2015**  
CITY COUNCIL CHAMBERS

**ROLL CALL:** Present were Mark Massoud, Acting Chairman, Bruce Lees, William Mills, Alt. Alex Wolk. Absent were Craig D. Westney, Chairman Bernard Gallo, Matthew Rose, Michael Esposito.  
Staff present were Ryan Boggan, Health Dept., Secretary Patricia Lee.

**PLEDGE OF ALLEGIANCE:** At 7:06 pm, Mark Massoud identified himself, filling in for Bernard Gallo. Bruce Lees led the Pledge of Allegiance.

**WELCOME NEW EIC ALTERNATE:** Walter A. Wolk, Jr.  
wawolk@isurface.com  
Mr. Massoud read the mayor's comments into the record. Nice to have you; Welcome aboard, Mr. Massoud said.

**EXECUTIVE SESSION:** NA

**CONTINUED PUBLIC HEARING:** NA

**SHOW CAUSE HEARING FOR CEAST & DESIST ORDER:** NA

**OLD BUSINESS:**

**Miry Brook Road  
City of Danbury Dog Park**

Date of Receipt: 5/13/15.  
First 65 Days: 7/17/15.  
Second 65 Days: 9/20/15.

**Regulated Activity # 1007**

Lot # M19017, RA-40 Zone.  
Paul Estefan, Airport Administrator  
Peter Byrne, CM, vhb

Fencing, gravel parking area, waste stations.  
Request to level, fill withdrawn 7/6/25. Mark Massoud introduced this item, a Dog Park. Is there anyone here to speak for the applicant? Paul Estefan came forward, signed in, and identified himself, Airport Administrator. Mr. Estefan said this is a revision: we will not fill, we will not grade; just allow the dogs to run, and go home after that. Any questions, Mr. Massoud asked. Bruce Lees asked is there any report yet? Ryan, Mr. Lees asked, might this be something for Administrative Approval? Mr. Massoud said there seems to be an issue with Ryan. The application now is for fencing only, Mark Massoud asked? Paul Estefan agreed. The previous application has a parking area, Massoud said. Estefan replied there's an existing road there, with pipes still there, so it's existing. The road exists. Estefan said up along the road there were some mounds of dirt creating a line of sight problem; we took out the old septic systems, did a Phase I study, found a root cellar; spent a half to ¾ of a million dollars to clean up the property. If there's a vernal pool there, it existed long before we came along. There will be no damage. We have animals in there now: dogs, cats, deer, coyote, fox. Just put the fence up, let them run, Paul Estefan said. It is federal property. Massoud said the use would be limited by what areas are cleared now. With any wetlands or standing water, I would take my dog to take care of the geese issue; I don't know what to tell you, Estefan said. Massoud had a question on the VHB report: page 2, the third paragraph, stating it will not result in the loss of significant wetland area. Can there be a better adjustment of the conceptual location? Massoud continued did this report presume some loss of wetlands? Mr. Estefan said I cannot speak for VHB; I did tell them that we wanted to do some filling, some grading. I don't think they'll allow dogs to run through the muck, run through the wetlands. We don't do very much; in fact, we can't do a lot in there due to the FAA. This is called passive recreation, Mr. Estefan said. It took 8

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BY: 

to 9 months to get the FAA comments: the geometry of the approach, the flying public; we spent a lot of time on it. I had a lot of hoops to jump through, Mr. Estefan said. Mr. Massoud said I understand from staff that there's a plan in the Engineering Dept. that refers to this? Paul Estefan said Engineering took a look at it; that is my understanding. The funding comes out of somebody's budget; it is not the airport's budget. The date of the VHB document is February 2, 2015. Mr. Estefan said one other thing: under the FAA grant proposal, we must keep it natural; my concern is that if I did not do the fencing that debris would be attracted in there. We just want to try to keep it the way it is, Mr. Estefan said. Mr. Mills said I have two questions: there's a little dog park and a big dog park. Mr. Mills asked about the City liability if someone fell down and got hurt. Estefan said the dog owner is liable, not the City. Mr. Mills suggested then signs should be posted. Estefan said I will check with Legal, and do the language for some signs. Bruce Lees asked how quickly would you be building the park? Mr. Estefan said it's been in the works for 6 years. I have to get the City surveyors back in there. I have to go back to the FAA and show them what I've done. Bruce Lees said I see we cannot go to Administrative Approval then. Mr. Massoud said we will get staff to review the application, and do a report. Ryan Boggan had a question. I don't have copy of that in front of me, and Estefan and Boggan conferred. Estefan said I will go back again to the FAA; that's a highly travelled road; a back door to Ridgefield; even more heavily travelled when I-84 turns into a parking lot. Ryan Boggan said my concern is that now, with no filling, no grading, cars could get stuck in the wetland. Massoud said then it makes sense to have the parking closer to the road. It would be better, Mr. Massoud said, in my opinion, to put the parking closer to the road. Mr. Estefan said cars are coming through there all the time. Mr. Mills made a motion to **table**. Bruce Lees seconded. Motion carried unanimously to table at 7:29 pm.

#### **64 King Street**

**Jose Farinha**

Date of Receipt: 5/13/15.

First 65 Days: 7/17/15.

Second 65 Days: 9/20/15.

Mr. Gallagher informed me that he is unavailable tonight, Ryan Boggan said. There were no questions. Mr. Lees made a motion to **approve** with the 8 conditions. Mills seconded the motion. Motion carried unanimously with no discussion at 7:31 pm.

#### **Regulated Activity # 1008**

Lot # C07033, RA-20 Zone.

R. J. Gallagher, Jr., PE.

Modifications to EIC **993**.

SF residence, pool, septic, water service.

#### **12 George Street**

**Tag I, LLC – Norman Buzaid**

Date of Receipt: 5/13/15.

First 65 Days: 7/17/15.

Second 65 Days: 9/20/15. Copy to Dr. Steve Danzer 6/9/15. Staking completed 6/8/15. Extension letter rec'd. 7/13/14. Mr. Massoud introduced this item. Michael Mazzucco, PE, took the mic, representing the applicant on George Street. Since the last meeting, we did have the property staked, so I don't know if the members got out there for a site walk. Mazzucco distributed his photos; look at the old rail there, then look at the other side, the erosion. The stream is very limited in capacity. There's nowhere on the West side for the brook to go. On the second page, you can see that the water quickly over tops the embankment. The picture on page 2 below; that there's a culvert that goes pretty much all the way through West Wooster Street, and heads towards Williams Street. We did get Danzer's report yesterday, Mr. Mazzucco said, and there's nothing really shattering there, except for #5. It was only a residence in the past. Mr. Mills had question on the photo: how much frontage? Mr. Mazzucco replied a couple hundred feet; let me go to the map. Mr. Mazzucco said, at the easel, you can see a home foundation is part of that wall; that

#### **Regulated Activity # 1009**

Lot # I15110, RMF-4 Zone.

1 Building with 8 garden apartments.

M. Mazzucco, PE.

abutment is right about here. There was an old barn, Mazzucco said, and a former dwelling and driveway. Mr. Mills said I would like to do a site walk, and I request the soil be tested as per Dr. Danzer's comment. Motion to **table** by Lees. Second by Mills. There was no further discussion. Motion carried unanimously at 7:39 pm.

**84 Forty Acre Mountain Road  
Shirley Ann Coakley**

Date of Receipt: 6/10/15.

First 65 Days: 8/14/15.

Second 65 Days: 10/18/15. Mark Massoud introduced this petition as Mr. Lamb and Mr. Coakley came forward and signed in 7:40 pm. Dan Lamb identified himself as the architect, here with Mr. Coakley. They had an existing house that burned down a year ago. We came before you on June 24<sup>th</sup>, and have been in touch with Larry Marsicano (Candlewood Lake Authority), and he had some questions on the decks, the terraces, the retaining walls, which are existing, Mr. Lamb said. We have pulled it back from FirstLight's property; cantilevered it over on the eastern side. We did a bump out on the north side. We cannot push the house further up, Lamb said, so we're asking approval to rebuild this house. Mr. Coakley said they would start building immediately. Mr. Boggan said I don't have an official letter from CLA yet. He's waiting for a little more information from Mr. Lamb. I will scan this and send it to him (Larry Marsicano), Mr. Lamb said, including runoff from the roof, and any stockpiles, if we have them. Mr. Mills said I want a copy from Larry (Marsicano); apparently he is seeking more information from you. Send the information to the CLA. We always seek their recommendations; we've had very good success with that. Lamb asked what more information does he want from you? Mr. Mills replied I suggest you stop by CLA, and then we can get more information. Mr. Mills reiterated get the report from Larry Marsicano. Bruce Lees seconded the motion. Motion carried unanimously to **table**.

**Regulated Activity # 1013**

Lot # K02022, replacement residence.

Dan Lamb, Architect

RA-20 Zone, Lakefront.

**9 Jeffrey Street  
Maura Newell Juan**

Date of Receipt: 6/24/15.

First 65 Days: 8/28/15.

Second 65 Days: 11/1/15.

Massoud said there is a request to table. Bruce Lees made a motion to **table**. Mr. Mills seconded. Motion carried unanimously.

**Regulated Activity # 1014**

Lot # H22132, RA-20 Zone.

Seventy2 Architects.

Lake Waubeeka res. expansions.

Von Eggers & Pearl. Table 7/22/15. Mr.

**60 Backus Avenue  
DXR Corporation**

Date of Receipt: 6/24/15.

First 65 Days: 8/28/15.

Second 65 Days: 11/1/15. Mark Massoud introduced this Backus Avenue application as Doug DiVesta came forward, and placed plan on the easel. Doug DiVesta introduced himself, stating I will submit revised plans to the Commission, which Mr. DiVesta distributed. I will show you some of the changes, relative to our previous plans. Doug DiVesta reviewed what they took off the board now, the parking across the brook. Doug DiVesta, talking with staff, said we changed that to perpendicular parking, compact spaces, as far away from the wetlands as possible. We need additional parking for the facility now. We are not going across the brook now; not encroaching more into the wetlands. Mr. Massoud asked are there any questions? Mr. Mills had a question about the number of previously proposed parking spaces. Doug DiVesta replied we increased it by 14 spaces; now 38 spaces; this will help alleviate some of the parking problems out there. Doug DiVesta and Mr. Mills discussed reflagging; the commissioners wanting to do a site walk, which Mr. Mills

**Regulated Activity # 513R**

Lot # E18015, IL-40 Zone.

DiVesta Civil Engineering Assoc., Inc.

Additional pervious parking spaces.

confirmed. Doug DiVesta said they will have it up next week. Mr. Mills said talk to Ryan Boggan and set up a date. Doug DiVesta wants to be there as well on the site visit. Lees had a question on the pavers; they held up pretty well; amazingly flat. Motion to **table** by Lees. Second by Mills. Motion carried unanimously at 7:56 pm.

#### **NEW BUSINESS:**

##### **Reserve Road Toll CT III, LP**

Date of Receipt: 7/8/15.

First 65 Days: 9/11/15.

Second 65 Days: 11/15/15. Mark Massoud introduced this item and Joe Canas, from Tighe & Bond, came forward and placed the plan on the easel. Michael Zemola, from Toll Brothers, with Joe Canas from Tighe & Bond came forward with Matt Popp, Landscape Architect with Environmental Planning Solutions. We did walk the site with Steve Danzer and Ryan Boggan before, Canas said. Canas referred to the aerial photo on the easel, and discussed the vicinity, Reserve Road; the development site is highlighted in yellow. This is enlargement of the overall site plan, from a different perspective. The solid pink line represents the flagged wetlands on the site; also there's a small pocket of wetland not connected. Canas discussed what's proposed; four internal roads, the sloping topography; it slopes down towards the north. We have to bring the sanitary sewer down Milestone Road and that will have to cross the wetland. Mr. Canas discussed the detention pond, retaining wall system, the overall disturbances, temporary and permanent, and the maintenance road for the sanitary sewer; taking impervious surface; treating them at the detention ponds. Canas discussed the stormwater maintenance systems, the last sheet in your packet. The Algonquin Gas Easement bisects the site, and Mr. Canas discussed why they propose two detention ponds, wet ponds, in accordance with the 2004 Stormwater Quality Manual. They discharge onto level spreaders over a larger width, at a slower velocity. We also have a bio-filter to handle the roof runoff. Maintenance procedures are outlined in the report, Canas said. Analysis shows we are not increasing the flow from the site compared to before the site was developed. It is in the Class II Lake Kenosia Watershed Area. Canas discussed alternative plans, roadway grades, slopes, wetland disturbance, and the reasons alternatives were not chosen. Canas asked are there any questions? Lees asked have you talked yet with Dr. Danzer? This was initially approved for 230 units, Zemola said. Lees requested documents for the Master plan, when under WCI, under the Master Plan; Lee and Canas agreed. Mills asked how close is it to that corridor easement. The easement for the preservation of wildlife corridor; the closest building; to answer Mills' questions, Mr. Canas said about 8 to 10 feet. Mills said it looks like it's even closer. Canas said I will get those numbers. Canas and Zemola said the wetlands are all staked, and the corners are staked. Mills had questions on the pink lines, the dashed lines; all that area; quite a few buildings; how it will be impacted; request all that be done. Mills said the original impact versus temporary impacts; what are you going to do to restore that. Mills added what mitigation are you doing? Mr. Canas said we are still working on the details of that. We are treating some of the roadway damage, so that's part of it. Mills asked to quantify the cuts and fills, and Canas said I will provide that. Mr. Mills wants to do a site walk, and see the mitigation, both temporary and permanent. Lees asked a question which was turned over to Matt Popp. Mr. Popp discussed the hillside seeps. When you walk this site, it is hard to tell the wetland from the upland. Mills asked Popp you are going right through the wildlife corridor then? It looks like a roadway. Is it, Mills asked? Canas said you are right, but you are allowed maintenance access through there and utility access through there. We will clarify that for you, Canas said. Thank you, Mills said. Mr. Massoud said regarding Bruce Lees' comments, he requested some of that background information, including the Army Corps of Engineers. Mr. Canas said that

##### **Regulated Activity # 1015**

Lot # B15001, PND Zone, Phase 4B.

105 Residential units, City water & sewer.

Tighe & Bond.

was back in 2005, in answer to Mr. Massoud; we will take a look at that. Lees asked to label all the storm drains. Mr. Canas said the drains, no dumping signs; we can certainly talk to the owner about that. Mr. Massoud asked how far along is this in terms of a build out? Mr. Canas discussed Abbey Woods; that is completed; the phases in here are not started yet, and he stated the numbered phases; some are under design; about 70% for the overall development; about 90% for phase 6. Motion to **table** by Lees. Second by Mills. Motion carried unanimously at 8:19 pm.

**9 Zinn Road  
Kathleen Felix**

Date of Receipt: 7/22/15.  
First 65 Days: 9/25/15.

Second 65 Days: 11/29/15. Kathleen Felix came forward at 8:20 pm, and identified herself. I bought the property 15 years ago, and the pond is small and it's filling in; at least a third is now grassy islands. It's now about 5" deep. Every seed that blows around plants itself in the dirt; the grasses now are this high. I have sunfish. I used to have big catfish in there, but there's not enough water now. Mr. Glatzel told me the pond is very close to the end of its life. I just want to dig out what's there. I don't know where the sediment is possibly coming from. I would like to put the pond back to what it was. Mr. Massoud said you are correct: ponds do have a lifespan, and he discussed sources of the sedimentation; you are on the right path, to restore a pond; excavate it out. Your consultant has provided you some information, Mr. Massoud asked? Ms. Felix said he said in 3 to 5 years it will be filled in. Massoud asked to what depth will you restore the pond; how big is the area; where would the removed material go; how you would stabilize with landscaping, preventing it from making its way back into the pond. Massoud added I'm familiar with the mechanics of that. Any questions from staff, Mr. Massoud asked. Massoud said we will have staff review the application. Ms. Felix said I'm about 90% set on my excavator. He wants to de-water the pond in place; he pumps out the water in there; electric pumps. He told me it's very quiet; he takes material out and takes it back to his yard in Sherman, CT. He will use a silt fence and hay bales. He has an excavator with a 55-foot reach, so there will be not a lot of disturbance in that way. Mr. Massoud said it sounds like he's pretty well set up. We will let staff take a look at that, Massoud said. Ms. Felix said thank you at 8:27 pm. Lees made a motion to **table**. Mills seconded the motion. Motion carried unanimously.

**Regulated Activity # 870RR**

Lot # F09020, RA-40 Zone.

Pond maintenance.

D. Glatzel Excavating & Trucking.

**33 East Franklin Street  
Amphenol Corporation**

Date of Receipt: 7/22/15.  
First 65 Days: 9/25/15.  
Second 65 Days: 11/29/15.

Massoud introduced this, noting there's no one here. Lees made a motion to **table**. Second by Mills. Motion carried unanimously to **table**.

**Regulated Activity # 867RR**

Lot # I13001, IL-40 Zone.

Excavation, offsite disposal of soil.

Leggette, Brashears & Graham, Inc.

Aberdeen Development, LLC. Mr.

**APPLICATIONS FOR ADMINISTRATIVE APPROVAL: NA**

**VIOLATIONS: NA**

**ADMINISTRATIVE STAFF ACTIONS: NA**

**ACCEPTANCE OF MINUTES:** May 27, 2015, June 24, 2015, Meetings.

Motion to accept these May 27<sup>th</sup> and June 24<sup>th</sup> meeting minutes by Lees. Second by Mills. Motion carried unanimously for both sets of minutes with no changes.

Secretary Lee clarified to Mr. Massoud why this vote is needed.  
Mr. Mills said we had a Cease & Desist Order, I think, on Meadow Street. Mr. Boggan asked is it Mountainville you are thinking of? I can give Keith Beaver a call, Ryan Boggan said; I will call them (Didona Associates) and see where it's at.

**EIC ADMINISTRATION & FUTURE AGENDA ITEMS:** NA

**CORRESPONDENCE:** NA

**ADJOURNMENT:** Alex Wolk made a motion to adjourn. Second by Lees. Motion carried unanimously at 8:32 pm.