



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENVIRONMENTAL IMPACT COMMISSION
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MINUTES
January 24, 2007
Common Council Chambers 7:00 pm

The meeting opened at 7:09 pm, with Chairman Bernard Gallo presiding.

ROLL CALL:

Members Present: Chairman Gallo, William J. Mills, Matthew N. Rose, Bruce R. Lees, Jon Fagan, Alt. Mark Massoud.

Members Absent: Craig Westney, Jessica Soriano, Alt. Kurt Webber

Staff Present: Daniel Baroody, RS, MPH, Senior Environmental Inspector, Patricia Lee, Secretary

PLEDGE OF ALLEGIANCE: Chairman Gallo asked Mills to lead all in the PLEDGE OF ALLEGIANCE.

PUBLIC HEARING: None.

OLD BUSINESS:

193-207 Great Plain Road

Regulated Activity # 723

Sycamore Trails Group, LLC
Zone.

Lots # J04085, J04084, J05099, J05100, RA-80

Date of Receipt: 8/23/06.

Savannah Hills Subdivision, 12 SF lots proposed.

First 65 Days: 10/27/06. Public Hearing must close 1/19/06. Cordeiro, ±33.5 acres. Public Hearing opened 10/11/06, continued 10/25, 11/8, & 12/13/06. Comments from Conservation Commission rec'd. 10/10/06. Cuts & fills, Supplemental C, and Overall Site Dev. Plans rec'd. 10/13/06. Notice of Health Violation sent 10/31/06 to Cordeiro. Danzer report rec'd. 11/7. Wetland Assessment from ESM rec'd. 11/8/06. 65-day **extension** ltr. rec'd. 11/8/06. Revisions rec'd. 12/7/06 and 12/11/06 from Mazzucco, including blasting & planting plans. Revised Overall Cut/Fill Plan rec'd. 12/27/06. Revised plans rec'd. 1/4/06 & 1/10/07. Public Hearing closed 1/10/06. Decision required by 2/14/07. Site visit 1/23 DB, MM, BM. Gallo introduced this item. Dan Baroody identified himself and said that staff asks that this be **tabled** to allow time to work on resolutions. Mills made a motion to table. Lees seconded the motion, and it carried unanimously at 7:11 pm.

Ironwood Drive**Regulated Activity # 471 R****Mark & Corinne McConkey**

Assessor's Lot #C11002, RA-40 Zone.

Date of Receipt: 10/11/06.

SF residence, well, septic, driveway.

First 65 Days: 12/5/06. Second 65 Days: 2/18/07. M. Mazzucco, PE. **Extension** letter received 11/8/06. Revised site/ septic plan received 12/11/06, per CT Health Dept. Revised site/septic plan rec'd. 1/19/07. Impact report by D. Baroody 1/23/07. Gallo introduced this item. Baroody identified himself at the microphone, saying we've submitted a screening report. We are basically recommending a summary report. They have moved the house as far away as possible from the wetlands. Just a reminder: this is a revised application showing just a bigger house footprint. Mike Mazzucco identified himself at the microphone, as Baroody said this was previously approved by the Comm. Mazzucco said in the end, we ended up with less wetland impact, a reduced impact; we cut that back. The septic and all that stayed the same. The revision has less impact to the wetland, Mazzucco reiterated. Gallo asked if there were any questions. Mills said I looked it over, and I just have one problem: the storm drain goes through riprap, and then goes directly into the wetland. That's a problem, Mills said. Could they put a VortSentry unit in there to clean up the water? I brought a picture of one, Mills said. I think with the impact from the street, going through the applicant's property, it would clean the stormwater going directly into the wetland, Mills said. Mazzucco looked at the picture of the VortSentry unit. Mills continued: and of course we would ask that there be a maintenance agreement. Mazzucco said I am concerned about the cost of such a unit, without talking to my clients first. Mills said the runoff from Ironwood Drive is going to go directly into the wetland. This would enhance it, and I wish you would take this into consideration, Mills pleaded. Mills passed the photo along to the other Commissioners. Mazzucco said I'm reluctant to say we will do it without checking with my client. Lees asked Mills if he knew the cost of the VortSentry unit. Mills replied, I don't know but it's a lot less than a Vortech unit, as is its installation cost. Mazzucco said I have no further comments. Rose said there are two parcels on Ironwood Drive before us tonight, and I want to be sure we are looking at the right one. Jon Fagan and Mazzucco discussed outlet, the ponding, that they pulled it back, putting the manhole at a 90 degree turn, nothing changing over the original plan. Fagan said, through the Chair, I will ask Bill Mills, would you like to make this a condition of approval? Mazzucco said to Mills, this plan has been before this Commission since October, and we could have been all ill, Mills said I'm not going to debate this. Mazzucco continued we moved the corner of the house 3 feet, to minimize the impacts further. I can't say yes or no without researching how much it's going to cost my clients, Mazzucco said. Baroody took mic and said we have until February 18th to act on this application, so if the engineer needs to talk to his client, you can still vote on this February 14th, or you could make this unit a condition of approval tonight, if you want. Lees asked Baroody what do you think of this? Baroody said I can see Bill Mills' point that it's discharging near the wetlands without treatment; this device would be better. But in a sense of fairness, Baroody continued, we can give the engineer a chance to go talk to his client. Gallo asked Baroody, do you feel this is necessary? Baroody replied, well, it wasn't part of my review; it would help protect the wetland. Mark Massoud said I can't say I recollect this application; was there any consideration, Mr. Baroody, of a buffer of any kind? Baroody said Scott LeRoy did the original approval, and Scott said a large portion was to become open space, in exchange for the lack of a large buffer. Then subsequent to this application, Baroody said, we asked that Mike Mazzucco submit this to the State Health Dept., and that he had to do ground water monitoring, which he did. And this was all submitted to the State, and it was given their approval. Then, this last time, he moved the house further away, Baroody said. Massoud said, I see. Fagan said, so now the applicant has done everything we asked him to do. Lees said, if we table it, the applicant has time to consider this VortSentry unit. Fagan agreed, I think that is the only option. Massoud added I support that also. Mills made a motion to **table** to the February 14th meeting. Lees seconded the motion, and it carried unanimously at 7:23 pm. Lees added

I'd be very interested in its costs.

37 Holley Street

Regulated Activity # 733

Jose & Maria Bernardino

Assessor's Lot #K12093, RA-20 Zone.

Date of Receipt: 10/25/06.

SF residence, driveway on .56± ac.

First 65 Days: 12/29/06. Second 65 Days: 3/4/07. ESM Associates, Inc. **Extension** letter received 12/18/06. Mills made a motion to table. Lees seconded the motion, and it carried unanimously.

62-69 Kenosia Avenue

Regulated Activity # 735

Artel Engineering Group, LLC

Assessor's Lot #F18002, #G18001, IL-40 Zone.

Date of Receipt: 12/13/06.

Parking area improvements, paving.

First 65 Days: 2/16/07. Second 65 Days: 4/22/07. Jay Earl Associates, LLC. Paul Estefan, Airport Administrator, reviewed this application and submitted letter 1/24/07. Impact report by Daniel Baroody, RS, MPH, done 1/24/07. Dainius Virbickas, P.E., of Artel Engineering Group, LLC, identified himself and gave a history of the application. We did meet Monday with Mr. Estefan, Virbickas said, and he discussed the existing conditions, the building, parking lot, as a review of the project. The new owner would like to pave the graveled area, as it turns to ruts every winter, so he wants to pave it, and we offer to install a stone trench or swale along the southern edge, which will, in a storm event, cause the water to flow off the asphalt into the adjacent brook. We propose also a stone berm at the edge of the parking lot, which really does work, as I've seen every time I've gone out there with the owner. Back in December, it was requested we propose some sort of maintenance schedule; we sweep once in the Spring and once in the Fall, and owner does that, so I think we've satisfied Mr. Estefan's and the Commission's needs. Lees asked is there any labeling that can be done? Virbickas replied there are no drainage basins right now, but we could put up some signage along the border here and here indicating that it is a wetland. Mill had a question: the sheet flow goes like this, doesn't it? I imagine, Mills said, there's going to be sheet flow there too. Virbickas pointed out the contours of the area which forces the water into this little landscaped strip, so the water does flow away from the building and down. Virbickas said we propose to cut back to bend and flow into that trench. Mills asked will there be parking bumpers. Virbickas replied I don't think it's necessary; we could offer it if you like, and they discussed bumpers versus 3 or 4 signs. Massoud asked is there any maintenance proposed for the debris? Virbickas said yes, debris removal and a filter fabric; and if that gets inundated, it can be pulled back and replaced. We could perhaps offer that as a maintenance schedule. Massoud asked was there a formal written maintenance plan with the original application. I would propose that as a condition, Massoud concluded. Virbickas agreed. Fagan made a motion to accept as complete, then said I'll remove my motion. Daniel Baroody, RS, MPH, identified himself saying I want to put my screening report into this application, a summary ruling to approve with 10 conditions. Condition #4 talks about the fence or acceptable substitute with appropriate signage (which he held up). We can also add the maintenance requirement as condition#11, as Mark suggested. Galled asked what's your pleasure? Fagan made a motion to accept as complete. Rose seconded this motion and it carried unanimously. Fagan then motioned to **approve** with 11 conditions of approval; the 10 listed, plus 11 stating that a once-a-year maintenance review is to be reported to the Health Department. Mills seconded the motion, and the motion at 7:40 pm.

113 West King Street

Regulated Activity # 645 R

Frank Hordos/ F.D.J., LLC

Assessor's Lot #B06023, RA-80 Zone.

Date of Receipt: 12/13/06.

Revisions to septic & drainage systems.

First 65 Days: 2/16/07. Second 65 Days: 4/22/07. John F. McCoy, PE, JFM Engineering, did presentation 12/13/06. D. Baroody will meet with the engineer later in January; a site walk is proposed maybe Wednesday, 1/31/07 at 10:30 am. Mills made a motion to **table**. Fagan seconded the motion, and it carried unanimously.

16 Plumtrees Road

Regulated Activity # 737

MSW Associates, LLC

Assessor's Lots #L13118, L13144, IG-80 Zone.

Date of Receipt: 1/10/07.

11,000 sq.ft. industrial building. J. Putnam.

First 65 Days: 3/16/07. Second 65 Days: 5/20/06. Anchor Engineering Services, Inc. Revised grading, draining and stormwater plans rec'd. 1/5/06. Site walks 1/17/07, & 1/23/07, Baroody, Mills & Massoud with Joe Putnam. With Baroody at the mic still, he said he has no report yet, but we had additional site walks with Commissioners Mills and Mark Massoud and the property owner, and the applicant is here tonight. David Brown, one of the engineers with Anchor Engineering Services, identified himself, saying he is representing applicant. Secretary Lee said there is no need to sign in as this is not a Public Hearing. David Brown went to the easel and said, as discussed at the last meeting, I'll refresh your recollection, and he described the vicinity, the sewage treatment plant, the dog pound, the auto dismantling yard next door, and Putnam Automotive here. Brown discussed the accessway, coming up over and across, and development on the main parcel on the back. We're talking about public water but a septic facility because of the lack of sewers on the road, which is an odd feature. Brown continued, general development would involve trucks coming in, there's a scale for weighing, the building will be accessed from this direction, area lined with precast concrete blocks for storage, containers, and a covered storage area for waste tires. Exiting the site, the truck is weighed again, and backs into these truck slots here. As we noted, Brown said, the lower level of the facility is a completely enclosed building, so all of this would take place within the building. Brown discussed stormwater management, paved surfaces, catch basins, the septic device, subsurface retention area with overflow going into the City street sewer, up to a 25-year storm event. We have a retaining wall, Brown said, constructed here, and a wetlands line that was surveyed and pins set. We have a 20 foot setback line as shown on the plans. This zone allows for this type of facility as a special exemption in this zone, and it will have to be permitted by the DEP, and Brown described the two permits that will have to be obtained from the State. Brown described that process which must be noticed in The News Times, and there will also be a stormwater permit activity permit required, identify annual maintenance, periodic inspections, with maintenance records to be kept on the site. Brown said we have floor drains in the facility, that if wet, go into a holding tank, then is pumped and taken off site. At last meeting a question came up about the general profile of the brook, the existing contours, and the retaining walls, and he passed out maps. Brown reiterated the public notice procedures. He then discussed the to-scale cross section, prepared by him to show the relative relationship of the existing conditions in the field today, the undisturbed land, retaining wall, paved surfaces proposed, the building, the slots, and exiting. What you can see on the site plan that we gave you, we propose a new lot line. Brown said I failed to mention, the only discharge to the stream would be the clean roof runoff. There is almost no change at all compared to the existing conditions and the way the drainage system has been devised. I have some additional perc test information from Mazzucco's office that we previously submitted informally on 1/10/07. In addition to the upcoming anticipated DEP

process, note that this type of activity is a permitted use by special exception in Danbury's Planning Commission regulations, and I offer for your convenience a couple of pages from the City of Danbury regulations (Tape #1 flipped to side B). Because it's a special exception, this project will have to have a Public Hearing by the Planning Commission. Brown said, again, now that we've designed the drainage system, the existing conditions versus proposed conditions, drainage to that stream, we avoid any significant activity. Gallo had some questions. Fagan asked have you submitted a site plan that shows where the septic system will be? Joe Putnam replied near the scale house. Fagan said I just want to make sure. Brown showed the 100 ft. line on the plan. Massoud said I walked the site yesterday with Baroody and Mills, and we noticed that some of the soil composition on the site, there's few trees, the stream channel takes some fairly high flows, the steeply cut banks; I'd ask applicant to look at stream banks and propose some possible restoration to shore up the stream banks; also to propose revegetation of that 25-foot buffer, and to get a better handle, a complete pollutant removal analysis, with a swirl concentrator with underground retention, and I asked for soil profiles and some information on approximate location of the underground retention, and to be sure it works properly, and to be sure no pollutants are going into the ground water. Brown said some of those perc tests were already done. Brown discussed the Vortechnic units. We'll address the matter of the mills said I'm interested in that the facility will handle construction debris as well as brush and stumps. How will you treat that? David Brown explained that they will not be co-mingled; clean wood materials will be recycled, and handled then at a facility elsewhere. Mills said you'll be cutting 20 feet off the knoll in some places, so give us a cut and fill map; plus my main concern is will the finished level be below the brook on that side? Brown explained the excavation of approximately 12,000 to 15,000 cubic yards. Mark Zessin, PE, with Anchor Engineering said, I can answer that, and he discussed looking at making the site lower or making it higher; Zessin said we've gone about as steep as you'd want up the driveway. We really can't change it more than that. Mills said with a 16-foot retaining wall, will the brook be higher or lower than your final grade. Zessin explained the drop in the brook. Mills asked for an estimation of where your cuts will be along the brook, so that we don't have a problem with the brook, "if you follow me". Mark Zessin explained the dropping topography, the seepage on the other side of the brook, picking up the water and putting it back into the brook. Basically the amount of water getting into the brook is the same before and after, Zessin said. At Putnam Auto, you're 40 or 50 feet below the brook now. Mills said, the other thing is do you anticipate any blasting? Our borings went down 15 feet, Joe Putnam said. Brown took the mic again and said, about the fence question, our plan does call for a fence along the top of the retaining wall for safety purposes. We also have a wall that results from the concrete blocks, and we could connect them as a fence; we'd be happy to talk about how to address those concerns. Gallo asked if there were any further questions. Fagan made a motion to **table**. Mills seconded the motion. Baroody added I don't think a Public Hearing was called for. The motion to table was carried unanimously at 8:10 pm. Putnam said, "Thank you".

37 Ironwood Drive

Regulated Activity # 616 R

Peter & Kristen Schretzenmayer

Assessor's Lot# C11018, RA-40 Zone.

Date of Receipt: 1/10/07.

Deck addition.

First 65 Days: 3/16/07. Second 65 Days: 5/20/06. Agent for the applicant, Bob Young, was not present tonight. Mills made a motion to **table** to 2/14/07. Fagan seconded the motion, and it carried unanimously.

NEW BUSINESS:

Main Street & East Franklin Street

Regulated Activity # 738

City of Danbury

4.4468 ac., 10 parcels, C-CBD Zone.

Date of Receipt: 1/24/07.

New Police Facility. F. Khouri, V. Amendola.

First 65 Days: 3/30/07. Second 65 Days: 6/3/07. Chairman Gallo introduced this New Business as Dan Baroody took the mic and identified himself. Baroody said we're just receiving this tonight. I've attended several meetings with engineers and architects, and I recommend that we call for a Public Hearing in the interest of the public as it a high impact project, with a lot of activity up by Main Street. It was a known hat factory site, even though only a few parking spaces will be in our regulated area. We should consider holding a Public Hearing at our next scheduled meeting, and if there is not a lot of opposition, then "go from there". Gallo asked if the Commissioners had any more questions. Fagan asked were there any precautions taken for the demolition activity I see out there? Baroody responded that no current activity was even close to the brook, but they are under a demolition permit. Massoud asked for the plans, which Secretary Lee distributed. Baroody said with the environmental clean up, it will be much better when it's done, but not to impede the environmental clean up. Lees asked Baroody could you have a staff report ready for that next meeting when we have the Public Hearing? Lees made a motion to **have a Public Hearing to open 2/14/07**. Rose seconded the motion. BG said all in favor? The motion carried unanimously at 8:16 pm.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: None

ADMINISTRATIVE STAFF ACTIONS:

36 Franklin Street

Regulated Activity # 700 R

Nicholas Tsakonitis

Assessor's Lot # H13036, R-3 Zone.

Date of Receipt: 12/13/06.

Revisions including retaining walls. Artel

Engineering. Administrative Approval by Dan Baroody 1/16/07. Gallo read the above into the record.

18 The Crest Way

Regulated Activity # 736

Joseph Kochansky

Assessor's Lot # J02005, RA-20 Zone.

Date of Receipt: 12/13/06.

Residential expansion out & up.

Douglas MacMillan, Architect. Moved to Administrative Approval 1/10/07. Administrative Approval by Dan Baroody 1/16/07. Gallo read the above into the record.

Matt Rose reported that, over on Padanaram Avenue, on the Route #39 side, heading towards Route #37 on the right side, there's a lot of clear-cutting being done out there. There's the Dairy Mart on the corner, and Rose gave directions to the site. The amount of trees cut there is just unbelievable, Rose said. Baroody said we did investigate a site that was owned by the Otto's, and he shut down the work, and he said he was coming in for a permit. He was told to shut down, Baroody said. Rose said they were cutting trees yesterday. Massoud, Gallo & Baroody agreed they had seen the area. He has not yet come in for a permit Baroody said. Massoud said it looks like they've cleared an entire lot. It's almost behind the foot of St. Ann's Massoud said. Rose added, yes, it's deep. Baroody said the wetlands are up along the road. He agreed to stop work, which he did for a while, Baroody said; we'll check it out.

CORRESPONDENCE:

CACIWAC Fall 2006 Newsletter.

Aquatic Pesticide Permit Application, Lycott Environmental, Swan Lake (at Jensen's residential community).

Housatonic Valley Association, Guides to Protecting Water Quality for Applicants and for Decision Makers, River Report Cards.

Rain Gardens in Connecticut, CLA & UCONN Cooperative Extension Service.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS:

EIC **585**, Notice of Violation issued 11/16/04 to William Coffey, Jr., re: 43 Beaver Brook Road. Letter sent by Robin L. Edwards, Atty., 3/14/06. Barody & LeRoy met with the Coffey's on 4/12/06; engineers to provide compliance schedule. 11/8/06 Corporation Counsel reviewing Engineering Report from GZA GeoEnvironmental, Inc. 1/10/07, 1/24/07 Item to remain on agenda. Lees explained we want to keep item this open until the work was done.

Mills posed a question to Dan Barody, RS, MPH, (from 1/10/07 Correspondence): we received some communication, some reports on city dams received 1/3/07, see page 4. The question I'm asking is permitting required by the City? Massoud said I think it's a good question and we should review those plans when they are developed. But if there's any impacts to any wetlands or watercourses as a result of that dam work. Barody said I agree with Commissioner Massoud; he's 100% right, and to answer your question I have not heard about any plans to carry out the dam repairs, and I will remind them that we need to look at that.

ADJOURNMENT:

Fagan made a motion to adjourn. Mills seconded the motion, and it carried unanimously at 8:25 pm.

The next regular EIC meeting will be held on **February 14**, 2007, at 7 pm.

Respectfully submitted,

Patricia M. Lee, Secretary