



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENVIRONMENTAL IMPACT COMMISSION
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MINUTES
February 28, 2007
Common Council Chambers 7:00 pm

The meeting opened at 7:10 pm, with Chairman Bernard Gallo presiding.

Members Present: Chairman Gallo, William J. Mills, Craig Westney, Jessica Soriano, Bruce R. Lees, Alt. Mark Massoud

Members Absent: Jon Fagan, Matthew N. Rose, Alt. Kurt Webber

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

PLEDGE OF ALLEGIANCE:

Chairman Gallo asked Commissioner Lees to lead the Pledge of Allegiance, which Lees did.

OLD BUSINESS:

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 rec'd. 12/18/06. E & S Control plan rec'd. 2/6/07 from Gene McNamara. 2/28/07 Draft Decision to Deny. BG introduced this application at 7:12. Dan Baroody introduced himself, and addressed his impact report. The proposed residence and driveway are located entirely in the wetland, Baroody said. Staff recommends a summary ruling to deny, Baroody concluded. Gallo asked if there were any questions, and there were none. What's your pleasure? Lees motioned to accept as complete. Mills seconded the motion, and it carried by four. Mills made a motion to accept the draft decisions of denial for EIC #733. Soriano seconded the motion. The motion carried unanimously by four. Mills made a motion to **deny** Regulated Activity #733. Soriano seconded the motion. Being no remarks, the motion carried unanimously by four. The petition is denied; thank you, Gallo said.

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 initial presentation on 12/13/06. Baroody, Massoud, and Mills met with engineer 1/31/07 on site. **Extension** letter received 2/20/07. Copies of application sent to Dr. Steve Danzer. Mills made a motion to **table**. Soriano seconded the motion. The motion carried unanimously at 7:15 pm.

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: 5/20/07. Revised plan received from Bob Young 2/16/07. Planting plan requested 2/20/07. Table till 3/14/07 per Bob Young's request. Motion to **table** by Soriano. Second by Mills. The motion carried unanimously.

60 Shelter Rock Road

Regulated Activity # 739

60 Shelter Rock Associates, LLC.

Assessor's Lot# K15107, IL-40 Zone.

Date of Receipt: 2/14/07.

Parking lot expansion.

First 65 Days: 4/20/07. Second 65 Days: 6/24/07. Ben Doto, III, PE. Gallo introduced this item saying it should be tabled to the 3/14/07 meeting. Lees motioned to **table**. Soriano seconded the motion, and it carried unanimously.

NEW BUSINESS:

Apple Ridge Road

Regulated Activity # 741

Melvyn Powers

c/o Commerce Park Realty, LLC

Date of Receipt: 2/14/07.

Assessor's Lot # E17072, IL-40 Zone.

First 65 Days: 4/20/07. Second 65 Days: 6/24/07. Medical office building, parking. 2/20/07 Rec'd Artel letter to Engineering re: Lake Kenosia Class II Watershed. Tabled 2/20/07 at applicant's request. Chairman Gallo introduced this new business at 7:16 pm. Mark Kornhaas, P.E., identified himself and his firm, Artel Engineering Group, LLC, speaking for the applicant. Kornhaas described to vicinity, on the west side of Kenosia Avenue, which serves this subdivision. Lorad and Cendant are out there on Precision Drive. Our site is a 13.4 acre parcel. Kornhaas said the application is for two things: subdivision of 6.4 acre parcel, and also the development of a medical facility. Lees asked to have the application materials distributed to the Commissioners. Lee, Baroody and Kornhaas distributed the packages. At the easel, Kornhaas described the topography of the parcel, and reiterated the two things applicant wants to do. A two-story medical building with a 9000 sq.ft. footprint is proposed. The parking will be around the building. I'll lead you up to the Grading & Utility plan which shows what we're doing here, Kornhaas said. Gallo announced that Mark Massoud is now here 7:20 pm. Kornhaas continued at the easel showing the Grading & Utility Plan done by Artel; he described the limits of disturbance and grading, adding there will be "quite a few retaining walls" on the upper and lower portions. The

wetlands were flagged by Cynthia Rabinowitz. You have a regulated activity report with her soil report, Kornhaas said. We had Jodie Chase evaluate these wetlands. Gallo announced that Craig Westney is now here at 7:21 pm. Kornhaas said we really wanted to determine the functions and values of the wetland. This wetland was created when Apple Ridge Road was constructed several years ago. Some of that was cut and also used for road fill, and both soil scientists' reports reflect that, Kornhaas added. I won't go through it word for word. They were kind of created. They are not retention wetlands; it's all in the report. I want to talk a little about what we are proposing for drainage and stormwater treatment: a Vortechnic unit, swirl concentrator, with large perforated stone, to discharge into an existing pipe that crosses Apple Ridge. There's currently no treatment of the water. We propose to improve that outlet. Also, in your report there are pollution loading calculations, Kornhaas said. You'll see that we've renovated the stormwater to the required standards. Kornhaas asked are there any questions? Mills asked are the wetlands flagged? Kornhaas replied I could check for you to see if the flags are still there. Mills said please stake the corners of the building also, the front two corners. Mill had a question on the retaining wall: so you're constructing it on this side? Kornhaas replied probably as close as 10 feet to the wetland. I really think you'll need to work both sides. Kornhaas said I think this can be built without impacting the wetland. If this was a pristine wetland of the highest order it would be different, but I think we can build without disrupting the wetland. Westney had a question on the topography map: is that about 20 feet of fill in parking area?, and secondly, what is proposed height of the retaining wall? Kornhaas replied at the map on the easel: about 12 feet high here, and about 17 to 18 feet high here. And then it tapers down to the west. Westney said thank you. Kornhaas said there are also about five alternate plans in there too. Gallo asked do any other Commissioners have questions? Westney asked what is the bypass that's indicated here? Kornhaas said it is actually a watershed map for a drainage study. The bypass is the runoff from the site that is not captured by the collection system. Westney and Kornhaas discussed the watershed and bypass. Westney asked do the alternatives include the way the parking is laid out. Kornhaas answered yes, a very good question: he described some of the initial concepts, stating there were a lot of reasons that we didn't go with them. Client did not want to disturb this wooded area. He tried to keep it this way. What we found was that the grades were not conducive to development, Kornhaas said, on that side. It should be in your Regulated Activity report, Kornhaas said. Looking at plan A, the walls and earthwork required was extensive, and you could not get an emergency vehicle in here either, Kornhaas added. Westney said I'm sure you are aware that once you get within 10 feet, it becomes very hard to construct anything without disturbing the wetlands. Kornhaas said we propose good erosion controls. Lees said I'd like to walk the site. Dan Baroody identified himself at the mic, saying we can set up three or four dates, and try to go out in groups of two or three. Mills said as long as the applicant notifies us when it's flagged and staked. Lees made a motion to table. Soriano seconded the motion, and it carried unanimously. Gallo said with no one opposed, this is tabled to March 14th.

5 Sugar Hollow Road / Marcus Dairy Regulated Activity # 743

Sugar Hollow Associates, LLC

Assessor's Lot#G17002, G17019, CG-20 Zone.

Date of Receipt: 2/28/07.

Parking lot expansion, improvements.

First 65 Days: 5/4/07. Second 65 Days: 7/8/07. Artel Engineering Group, LLC. Dainius Virbickas, PE, identified himself and his firm; on behalf of Sugar Hollow Assoc, LLC, we propose some modifications & improvements to the Marcus Dairy site. If you will flip to the survey map, the first page in the application set, you will see that Marcus Dairy is really four main parcels, roughly 10 acres in area, with about 8 acres on the north side of Kissen Brook. The surface is mostly impervious on south side of Kissen Brook. We are looking at connecting the north side to the south side, to go across the Brook. Kissen Brook is for the

most part a man-made channel and Virbickas described its path. It goes through the airport and mall sites, through a box culvert, as it runs between Sugar Hollow properties, roughly 10 to 12 feet wide, and it crosses under Backus Avenue in a series of culverts. Virbickas said the client wants to connect the parcels; you can see that we've proposed a driveway that goes across Kissen Brook to proposed 58-vehicle parking spaces. The crossing is proposed with an open bottom box culvert, or structure, 14 feet wide spanning the Brook and a minimum of 7 feet tall. We propose to raise up this box culvert, in the event of a 100 year storm, above the 455.4 elevation. This pavement is roughly 25,000 sq.ft. of asphalt. Virbickas continued the parcel is relatively low lying and inundated by storms greater than 25 year. We propose something similar to what was done at the property at the intersection of Kenosia and Miry Brook, the old Rodenstock building. In that, we had proposed gravel trenches. Here, trenches are located centrally in the parking area, and the trenches can accept more than one inch of runoff. It amounts to roughly 2000 cubic feet of water storage. Similar to Rodenstock, the first flush water will percolate into the ground, or flow overland. The crossing will require some filling on the property. We need to raise up the grades here 6 to 7 feet, and to compensate for that, we are proposing to cut a little of the slope that is in the parking area, at the west end of the Marcus Dairy site. The work being proposed associated with the crossing is headwalls to channel the water so it will continue flowing as it currently does. I know this is your first time looking at this. Virbickas asked are there any questions? Mills asked are the wetlands flagged? Virbickas replied that some flags from 2005 remain, and I can have it reflagged, and then I can contact staff. Mills asked is mitigation proposed? Virbickas said about 1900 sq.ft or less, and about 60 ft. of the stream that we'd be spanning, is the area affected. Westland said the mitigation described at the west end of the site is now a dirt parking area. Virbickas said the regrading is mostly to give back. Virbickas responded to Westney that it won't be parking anymore; it will be a grassed area. Lees had a question on the flow of Kissen Brook. Has Paul Estefan been notified for his input on this application? Secretary Lee said just today. Lees had a question on filtration, stating I'm very familiar with the parking area. It's in very bad condition. What improvements are to be made to the parking lot? Is there any way you could upgrade the system that's now in place for the upgrading of the parking at Marcus Dairy, Lees asked. I'd see that as a plus for us. Virbickas said I certainly can ask Neil Marcus and the partners about that. Lees said can't we look at the water management control, runoff, to look for some type of improvement to existing parking area. I'm just saying let's look at it, Lees said. Westney interjected I think more of what you're looking for is improvements to runoff to the existing site. Lees added any storm drains need to be clearly marked and labeled, of course. They have that oldies night, a few motorcycle things over there, Lees said. Virbickas and Lees discussed options to create some floodplain storage, a detention pond, and to see about carving it out more for more floodplain storage. Gallo asked do you have to make application to the DOT for this? Virbickas replied, no, there's nothing, as least as far as I know. Massoud asked what is the basic purpose of creating the parking? Is there a need for it? Virbickas answered they want to do something with that parcel so some use can be made of it, and gain some access to the other side. Massoud asked so this is not driven by future development or zoning? Virbickas replied not at all; I couldn't count the number of tractor trailers back there. I can ask the client. Massoud said the section is fairly large; what is the need for additional parking, development for the sake of development? Maybe as an alternate, propose to develop, improve, and expand existing parking. We have not really heard what is driving the need for more parking in that area. I'm not real familiar with this area of the site. Look at the existing parking to be utilized first, as an alternative, Massoud suggested. Virbickas said they want to now join the parcels; that's their drive right now. I can have Neil Marcus here for the next meeting. Westney said there seems to be perhaps a goal in mind, a certain number of parking spaces; is it not feasible to get the parking without crossing the Kissen Brook? Virbickas replied, again, their main objective is to join the two parcels. Massoud asked then why does the Brook have to hemmed in as much as it is? Why not improve the old existing parking areas to help accommodate their need? Virbickas repeated, again, I can certainly ask. This is the first meeting. Lees made a motion to **table**, which was

seconded by Westney. The motion carried unanimously by five. Gallo announced the motion carries.

79 Federal Road

Regulated Activity # 744

E.W. Batista Family Ltd. Partnership

Assessor's Lot #L09019,L09029. CG-20 Zone.

Date of Receipt: 2/28/07.

Dunkin Donuts, drive-thru / walk-in.

First 65 Days: 5/4/07. Second 65 Days: 7/8/07. Artel Engineering Group, LLC. Dainius Virbickas, PE, helped distribute the applications. Virbickas for the record identified himself and his firm, on behalf of applicant Eduardo Batista. Virbickas noted that "everyone is smiling". Virbickas said we are proposing to make use, or re-use of an existing parcel on Federal Road. Virbickas described the parcel vicinity on east side of Federal Road. The site historically started as a gasoline station, then was used by a number of different companies, Thrifty Rental, a new car sales lot, and a used car sales lot. At the easel, Virbickas showed the property and topography survey prepared by New England Land Surveying, and Virbickas continued to discuss the abutters and drainage on the south side of the property. What Batista hopes to do on this is to utilize it as a Dunkin Donuts shop, Virbickas explained. On the next page, you will note I've colored in some green: this is basically where we'll be removing asphalt from the site and planting grass, landscaping, and reducing the amount of impervious coverage. The property is currently very flat, with the flows going to the east. What we're proposing is to remove some of the asphalt, plant some grass or other groundcover, and we propose a seven foot wide, 3 foot deep, stone trench to take off the first runoff. Now, off the edge of the parking is scrubby brush, with swamp maples maybe; we propose arborvitae there, so now instead of stuff flowing across from Home Depot, we can keep the wetlands cleaner, at least from airborne stuff, plus cleaner using the infiltration trench for the water quality. We propose a stone filled trench or a ditch to mitigate or help the wetlands in this area. There's roughly 7000 sq.ft. On the site now, down to .36 acre of impervious coverage. In addition to arborvitae, we propose some landscape trees in the parking areas. Virbickas said I'll be happy to answer any questions. Lees said so you're saying you can't put some type of Vortechnic unit in there? Virbickas said no, a Vortechnic unit is so deep; it would have to be piped to the wetland. We don't have much elevation difference to put much in the ground. Cutting back on the impervious surfaces, we thought, would be "somewhat less of an evil", Virbickas said. Lees said we'd like to improve conditions. Mills had questions on the property lines. Virbickas replied about the property lines: the neighbors have an agreement allowing to pass and repass. Mills asked are the wetlands flagged? Virbickas replied yes, some time ago, done by a soil scientist. I can check the site and make sure the flags are put up, so you can be informed and go out there. Gallo asked are there any questions. Massoud asked are the wetlands on the site are associated with the Still River? Virbickas said they are not attached to the Still River, but they end up draining to the Still. The spoils of old excavation work were probably left here to form the berm. We are definitely in the Still River review area, Virbickas said. Massoud asked did you perform a pollutant analysis? Virbickas said no, I did not, since it's less than an acre. I can if you like. Massoud said I think it would be nice to see some rationale for a water treatment system on the site, although some of the past uses have not been nice; that is, "dirty uses", so to have some rationale for some treatment would be appropriate. Gallo asked Dan Baroody, did you want to say something? Baroody said I have the same concerns about the Still. Lees made a motion to **table**. Westney seconded the motion. The motion carried unanimously at 8:09 pm. Mills added let us know when Marcus will be flagged.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL:

Tarrywile Park, City of Danbury

Regulated Activity # 742

Tarrywile Lake Road

Assessor's Lot #116046, RA-20 Zone.

Date of Receipt: 2/28/07.

Hiker's parking area.

First 65 Days: 5/4/07. Sandy Moy, Tarrywile Executive Director. Administrative Approval was done by Dan Baroody 2/28/07. Gallo introduced Baroody. Baroody identified himself at the mic, saying we approved a small parking lot, quite a distance from any wetlands. They are getting DEP grant money to build a hikers' parking lot. Lees made a motion to accept this as complete. Soriano seconded the motion, and it carried unanimously.

ADMINISTRATIVE STAFF ACTIONS:

Commissioner Rose reported possible violation (tree cutting) at 136 Padanaram Road 1/24/07. D. Baroody sent a **warning letter** 2/14/07 to John J. Otto, and work has stopped.

Commissioner Mills on 1/24/07 requested Baroody monitor State DEP 12/28/06 request for dam maintenance and repair issued to the City for 8 dams, if permitting is required. (See letter from DEP IWRD Director Ruzicka to City Engineer Farid L. Khouri, PE, Correspondence at 1/10/07 DEIC meeting).

CORRESPONDENCE:

Chairman Gallo read the correspondence for Aquatic Pesticide Permit Applications for:

- (1) 44 Old Ridgebury Road, Ridgebury Office Center, from Aquatic Control Technology, Inc., to treat filamentous algae, duckweed.
- (2) 55 Backus Avenue, Miller-Stephenson, from Connecticut Pond Services, to treat duckweed, coontail, spadderdock. BG read these. Mills : I have a questions Thru the chair

CT State DEP Notice of Tentative Determination & Intent to Waive Public Hearing for **The Reserve** (545.8 ac.) for Diversion of Water (PND Zone). Mills said I have questions through the chair; The Reserve is there. Secretary Lee said, if you read the back side of the tan letter from the DEP, it gives their rationale. Mills said, so basically, on the whole Reserve area, they are going to divert the flow of water, as best as I can read. Lees said Mr. Mills' concern is, as is mine, is there anything they are seeing that we are not. We are seeing it in phases. Baroody said, through the Chair, I agree with Commissioner Lees. This is a regulatory step that they have to go through, to notify this Commission. We are focusing in on each phase and the detention pond and its impacts. Their jurisdiction is the overall, and they talk about the waters that would ultimately receive the water. Mills said, so basically, Tighe and Bond have petitioned the State, and the State has more or less approved it. Baroody explained the notice is that they are waiving the Public Hearing. If you have any objections or comments you can submit them before the date here; or if you have 25 signatures you can force a Public Hearing. Mills said they did not advise Danbury; they just go right to the State. Massoud explained that there is no requirement that they apply to Danbury, as Dan said; their intent is to waive the Public Hearing, but they don't find a significant diversion of stormwater from one detention basin to another. That does not mean that they are not going to review the application, Massoud said. It's above the City's jurisdiction, applying for a State permit. Mills asked isn't Kenosia a secondary water supply? Mills had concerns on diverting water from Kenosia to another area. Massoud reiterated that they are not finding anything significant. Mills said thank you. Gallo concluded we have received it and placed it on file.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS:

Must the DEIC *ACCEPT AS COMPLETE* an application before voting on a decision? Chairman Gallo said I approached Corporation Council with this question, and said a simple yes or no would be fine. You have the letter from Robin Edwards before you. She said someone started that years back and it just carried over. Lees said 1994 or 1995 was my first year on this Commission. Westney, Gallo, Lees, Mills and Massoud discussed is it necessary, where that came from, accepting the petition, approving the petition as requested, trying to eliminate a redundant thing that can stall a meeting. Secretary Lee said Ben Chianese used to ask if all the fees were paid; it would not be on the agenda if all fees were not paid in advance. Also, Gallo said, Corporation Council is looking at a cutoff of noon on Monday before an EIC meeting for submission of new material. She's researching that now, Gallo said.

Acceptance of Minutes for **2/20/07** EIC Meeting. Lees made a motion to accept the minutes as presented. Seconded by Soriano. The motion carried unanimously at 8:25 pm.

Commissioner Mills said, if I may, I followed up on a complaint: someone had called me saying that all the snow at the mall was dumped behind the mall into the wetland there. Looking at all the sand & grit, and they dump it into the wetland. And they have to close that road off when it floods. If Dan Baroody could look at it; the State is very lax, and maybe make a change to the Danbury Regulations since it's all dumped into the wetland. There's tons of sand and grit and oil, Mills said. Chairman Gallo said we could certainly look at it.

Gallo said there is one more item: some wetland and environmental training classes will be held, which he read, on 3/24, 3/28, 4/2, 4/4, and 4/14/07. Gallo asked Baroody the times of the training programs. Massoud said there are three parts to it: the first is introductory. Gallo said I have one voucher; I intend to go myself. Mills said I went to one. Gallo, Soriano, Lees and Lee discussed this. Gallo said you're all experts at it by now. Massoud described the three sessions that he had attended. Gallo said I'll copy this and give everyone a copy. I'll get a hold of Scott LeRoy to see if budget can pay for it, Gallo said.

ADJOURNMENT:

Motion to adjourn was made by Lees, and seconded by Soriano. Motion carried unanimously at 8:29 pm.

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