



CITY OF DANBURY
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Environmental Impact Commission

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MINUTES

Environmental Impact Commission

April 25, 2007

Common Council Chambers 7:00 PM

Next regularly scheduled meeting date **5/9/07**, 7 pm.

ROLL CALL: The meeting was called to order at 7:10 pm by Chairman Gallo, with four Commissioners present. The Commissioners identified themselves right to left at Gallo's request.

Present were Gallo, Lees (late), Mills, Soriano (late), Fagan, Westney, & Alt. Massoud.

Absent were Rose and Alt. Webber.

PLEDGE OF ALLEGIANCE: The Pledge was led by Chairman Gallo.

PUBLIC HEARING:

Route #37 & Stacey Road

Regulated Activity # 751

Acropolis Venture, LLC

Assessor's Lot # G08033, G08102, RA-20 Zone.

Date of Receipt: 3/28/07.

Glen Brook Estates, LLC.

First 65 Days: 6/1/07. Second 65 Days: 8/5/07. 23 single-family detached cluster dwellings.

Public Hearing opens tonight. Chairman Gallo read the legal notice into the record. Bruce R. Lees and Massoud assoud have arrived, let the record show, Gallo said. Gallo explained the Public Hearing procedure to the audience, reminding that the issue is strictly EIC matters, not traffic and not overdevelopment. Jane Didona identified herself, saying she will be discussing this property on the easel. It's located on the South corner of Stacy Road and Route #37, in the RA-20 Zone, and it has 2 distinct wetlands. One is a perennial stream which she described, plus a small pocket wetland. Michael Klein, our soil scientist had a family emergency and could not be here tonight, so I will discuss the soil, Didona said. I have a bit of a cold and am on antihistamines, Didona said. Proposed is a cluster development, a small clubhouse, a recreation area, with porous paving on road walkways to connect the interior and the site to other locations, with emergency access with porous paving, and all

lighting compliant with night sky specifications. The first is a driveway crossing; second is a walkway required by the City. She described the wetland disturbances, for a total 3517 sq.ft. disturbance. Jessica Soriano has joined us for the record, Gallo said. One of the things we want to do is to enhance the riparian buffer, using a detail called rain gardens, which accept water from various sites, and Didona explained rain gardens design, with pervious material underneath, and its theory using native plants as filtering, for a diverse habitat, infiltration and improvement of water quality. We have 19,452 sq. ft. rain gardens proposed. We also have some mowed lawn in the buffer areas; we'll take the lawn out and increase the habitat; please see page D2 of your package for a list of species. We plan to save existing trees where we can and remove invasive species. Also, we will have detention areas as part of the stormwater management system with Vortech units, which Michael Mazzucco will discuss; again see page D2 of your packet, Didona said. We'll have a riparian buffer of native shrubs, an infiltration strip, treatment trains, and opportunities for the water to be treated and infiltrated before it runs off the site. The upland trees and shrubs are noninvasive, and we specify native material or hybrids of native material. I want to discuss the alternatives: we are only in this area here for our community, Didona said, pointing to the map. We did look at an alternative: according to the Zoning Regulations, we could have a 26 lot subdivision, but that would destroy the site, so we did not want to do that. Michael Mazzucco, PE, took the mic at 7:20 pm and identified himself, saying let me pull my maps up. Mazzucco described the acreage, 7½ acres for developing, and 5 acres currently developed by houses, lawns, driveways from previous development. In order for this to be a cluster development, it must be served by City water and sewer, so we would be bringing that in at two separate locations, Mazzucco continued. We looked at alternative for the service utilities, but that crossed a stream. We ended up with a box culvert that will allow us to have enough room for the utilities. We thought that would be a better plan, to allow the utilities to cross at that spot. The topography of the site is mild and moderate, which he described from north to south, wooded, and erratic topography. Mazzucco said Jane Didona did a nice job laying out the buildings, so we're not trying to fill and cut too much. We took into consideration the topography of the site. A drainage analysis of the site was done, which Mazzucco discussed. There is a large piece of remaining property, which heads into a swampy that drains to this culvert. Mazzucco discussed other drainage lying under Route #37 and crossing twice. We did an analysis of 25 and 100 year storms, and a lot of that has really to do with the rain gardens. We tried to direct as much runoff as possible through them, with a piping network, two separate systems, two Vortech units, deep sump basins, infiltration level spreader and southerly detention basin. Mazzucco asked did you mention, Jane Didona, about the....? Didona replied I'm going to. Mazzucco continued we also did a pollutant loading analysis, and with all of that, it showed we did meet the reduction requirements of the City of Danbury. In terms of finish grading, we tried to work with the grade as much as possible; it's just a situation where we had some steep grades, and we do have some retaining walls proposed, so we limit any kind of filling we'd need to do into the wetland areas, Mazzucco said, referring to the site utilities plan on the easel. Mazzucco discussed the box culvert area, the alignment that did not work out, so we sized this for a 100 year storm event. Aside from that, the engineering aspects are covered, Mazzucco said, and I'd be happy to answer any questions. Jane Didona came back to the mic saying I want to point out one other thing: I have some colored maps, which she handed to Gallo (*Proposed Development, Glen Brook Estates, dated 4/25/07*, prepared by Didona Associates). I did not yet introduce Joseph Putnam, a developer, a pleasure to work with, and a conscientious person. He did ask soil scientist Michael Klein to go back out and review the wetland flagging, which

increased the wetland area by 3500 sq.ft. So we'll reconfigure one rain garden, and we're working on that, Didona said. UCONN has been studying rain gardens, and in their studies they determined that the soil has to have one little change. Since phosphorus is a no-no, they recommend using peat moss instead of leaf mold. Jane Didona said I am open for any questions, if your procedure is to have the public speak first. Mills said I have just a few questions: speaking on the rain gardens, how did you decide on placement of these gardens and that sizing? Were perc tests done? and so on and so forth, Mills quiered. How did you come up with that size and that place? Didona replied we just relied on soil information, and we did not do perc tests. It's not the rain garden that has no drain in it. What is really treated is the first flush, Didona said. Rain gardens are 6 inches deep. Mills posed a question on the level of rain gardens, or is a berm needed on the down side? Mazzucco azzucco responded they are placed where the topography is fairly level. Didona said it's minor grading; let me emphasize that. One benefit of rain gardens is the esthetics; it's actually a pretty detail. It is landscaping working for us, a multi-use, functional and aesthetic. Didona discussed where the rain gardens are placed, as it works for the topography plus the most bang for our buck visually, Didona said. Mills asked are you using cement pads for the detention basins? How would you clean them then? Mazzucco answered the forebays will have riprap. Mills said some people are putting them on cement pads. Didona said I've never heard of that. Mazzucco said I've heard of that. Mills asked will the road be maintained by COD? Didona said it will be a private road. The additional parking was at request of the City. We had a prior meeting with engineers, planning, traffic, and the City requested additional parking. Gallo asked, are you all set, Bill? Lees asked is there some type of barrier separating the rain gardens from the other areas? Didona replied describing that the beauty of mulch in a rain garden is that it's filtering out any heavy metals. Around the rain gardens on the wetland side will be a conservation mix which will only be mowed once a year, and it looks like a meadow, Didona said. Lees had a question on a maintenance plan and deeding the rain gardens into the ownership. Didona replied yes. Fagan asked has there been any further information submitted since the last meeting? Didona replied the only new stuff is what I just handed you. Fagan asked Mazzucco the square footage of what's going to be replaced. Mazzucco explained this to Fagan. Fagan said he had a technical question: he is interested in how these wetlands were located and flagged on this map. How were they placed on the mapping? Didona said originally by the surveyor Paul Hiro. Is that what you're asking? Fagan referred to the plans and Hiro's map is not a part of the application. I'm assuming that your surveyor placed them on the map. The original wetland flagging by Hiro should be submitted, Fagan said. Didona replied, "Yes, Jon. Thank you". Massoud said I know Mike Klein's not here, but why eliminate the small wetland, I'm curious. Didona said that Mike Klein said it had minimal functionality, and we could provide greater mitigation than what that wetland provides. Massoud asked what is the proposed mitigation? Didona explained the measures of mitigation. Massoud asked are most wetlands currently in a mowed lawn state? Jane Didona said yes, a monocultural mowed lawn state. Massoud asked what is the distance of aid most of the distance is 50 feet, but here it is down to 32 feet. Massoud and Didona discussed the distance of the building, versus distance of the disturbance. Chairman Gallo said we will now go into the public speaking part of the hearing.

The first speaker signed in, Tom Vrba. Vrba said he is speaking for my parents Ivan and Jane Vrba at 5 Pembroke Road, the house between the Chinese restaurant and the barber shop. Vbra gave background of the area since he lived there, renting the home from his parents. The City approved the expansion of the Amber Room parking lot while I lived there. After they approved that, Tom Vrba said, there was a

noticeable increase in flooding in this area; which would sort of make sense, since you have more paved area, that's essentially what happens. Vrba discussed the water piping under 3 Pembroke Road, the bridge that was originally put in, many years ago, which was then probably large enough to deal with conditions at that time. Since Amber Room parking lot was put in, Vrba said, the frequency and volume has increased. Sometimes the water even goes out onto Route #37, essentially creating a hazard and the City has to come out, Vrba said. Obviously it is more than an act of God, this increased flooding problem. I'm not against the development per se. While the applicant has explained what gardens will be put in, Vrba said I think the developer should pay to expand the 32" pipe under the road. Might there be other solutions? I'm not an engineer, Vrba said, so I cannot say other than having the developer dig up the pipe and replace it. To my way of thinking, this has been an issue before, when the (Stetson) Hat City project came before the City. And there should be a legally binding guarantee that, if there be any damage from the runoff, reparation will be paid to the adjacent property owners. Massoud assoud interjected could the speaker please show on the map where the flooding occurs? Tom Vrba and Mazzucco azzucco went to easel to indicate the subject area. As best as I can tell, a large part of this runoff, the stream back here, would be going straight into this one section back here, Vrba said. We do have a photograph just before last week's flood; we took before and after photographs. The vast majority of it comes from up here; 70 to 80 percent of it, all in the development section that is being proposed. Thank you, Vrba said.

Mr. John DeGross of 19 Hamilton Drive in Danbury signed in, stating he represents Jeffrey Juh, the owner of Chinese restaurant; and I'm also mortgage holder on that too. DeGross said I'm not opposed to the development at all. I hope he gets 50 houses back there. DeGross said when Stetson Place came up, the drainage was proposed to go across Route #37, up about here, okay? And then feed back into this brook, and then go back down to 5 and 3 and across Route #37, DeGross said. After it was finally said and done, they changed it. I hired an engineer. They changed the drainage scene, and put it on their own property, which DeGross discussed at the map. What happens now is with any heavy rain, the biggest bottleneck is right here. DeGross described the width, and the bottlenecks of the stream. My concern is the only place it can go is into this stream. DeGross said I don't care; you can put a detention pond any place you want. It's so narrow and so shallow that any increased flow will cause additional flooding, DeGross continued. There's something we have to do about this issue. If we can do that to everybody's satisfaction, I think that would solve it. Joseph Putnam agreed, speaking from the audience. DeGross said it goes right through the store. Lees said to DeGross that Stetson Place report from your engineer, is that something you have in writing, and would you bring it to our Commission? Degross replied yes, I'll get a hold of Ralph. Again, we are not against the development. It just won't hold up to a 25 year storm. I can just talk about the one corner of the property where it comes over, DeGross concluded.

Fran DeCaro, a tenant, signed in, identified himself and said I represent John and Mrs. Bouteillier, and we're basically down in this area here, he explained at the easel. I've been there as a tenant for about 30 years. It's been in the family, and the problem has become more so over time. DeCaro said I've seen dozens of yards of gravel; the City actually has to come in and blade it off. There are still potholes there now. It's a fairly common experience, DeCaro said. I don't know how they made the calculations for the size of those water gardens, but again, all that water will come down to that stream. It's definitely, definitely a problem that should be addressed, DeCaro emphasized. Lees said he had a question: since the Amber Room

parking lot was put in, is it worse? DeCaro replied it definitely has become worse, ongoing and getting worse.

Gallo asked if there was anyone else who would like to speak. We'll move along.

Massoud said I have a couple of questions for Mr. Mazzucco. Massoud asked, regarding the rain gardens: they have a water quality function, I assume; a relation between them and the detention basins? Mazzucco answered the rain gardens are taking water from, like, roof runoffs; it ponds and slowly dissipates through the ground. He explained how the water is detained before it goes into the ground. Mazzucco referred to the Amber room parking lot and not having any detention for that area. The system is designed to slowly release water out and not cause any impact, Mazzucco said. It's not more volume of water; it's just that the pavement causes that water to run off the site. The system slows it down, and addresses flooding. It's a City standard that we meet the 25 year storm event, Mazzucco continued. Those rain gardens actually do quite well. Massoud asked, so there's no piping between the rain gardens and those detention basins? Mazzucco said no, and he explained what needed to be modified a little bit. Massoud asked how do you account for the impervious surfaces in overall calculations for the sizing of those basins? Mazzucco explained, just by channeling that water in that method. Massoud and Mazzucco continued discussing this water issue: pick up, compensate elsewhere, area onsite, a bypass area. Mazzucco said we look at that area separately, take that calculation and deduct it out of the equation. Massoud asked are these standard, dry detention basins? Extended detention? Mazzucco replied we are reducing by, like, 50% or more. Massoud explained what he is trying to get at: they to me have a fairly limited water quality function, in a general sense; what happens when they become over saturated during a storm event? And secondly, the detention basins are sized for a 25 year storm; they can fill up and overflow rather quickly, and how will that impact the downstream area? And in my former work for the Health Department in the City, Massoud said, it is pretty significant. I've seen it in that state, and I am concerned about any additional impact proposed by this site. You will lessen those impacts to City standards, yes, but what about the flows behind the site. Mazzucco said oversized basins might compensate for that, when we get the next rain storm. Jane Didona said, again, we did have a pre-application meeting, and it was requested that we look at treatment trains; so at request of the City, and it being my personal mission in life, to provide systems that provide multi-purpose functions, so we are trying to do a treatment train, Didona said. The second part of this is that, having heard all of this, Didona continued, we are willing to again look at this, and come back with revised applications. Massoud reiterated that this is a critical area; it's at capacity now and has been for a long, long time. Massoud asked them to consider alternative means to address that. Didona added so we would like to get a copy of that (DeGross) report when you get it, Pat? Mazzucco again addressed Massoud's concerns: he spoke of providing a mitigation measure, plus the rain gardens do provide a great value of mitigation. Massoud said I'm not quibbling. I think they are a great addition, but what's the discrepancy between what we normally have with detention? Jane Didona and Mazzucco tried to explain the whole detail, 24 inches plus the 6 inches, from an engineering perspective hard to quantify. Massoud said I am asking for an extended stormwater management structure. Jane Didona and Mike explained that they do provide a certain water quantity value, but mostly water quality. The three continued discussing the functions of a rain garden, water quantity vs. quality, discrepancy about amount of storage, why choose these location and sizes, provide habitat, much bigger than what is necessary for roof runoff, provide native habitat and riparian buffers, roads, walkways, porous paving,

a combination, meeting our obligation to the City, more than meet our obligation to City standards, an area which is critical flooding in certain storms, size of culverts. We'll look at what's there: this is what we can do, this is what we can't do; we can't commit until we have more information, Didona said. Mazzucco said there's a problem there now with flooding. Massoud said there is also a severe amount of erosion, force, velocity and amount of water, showing signs of that, becoming wider, and other number of symptoms. Look at it again and address this, so this development does not exacerbate the situation, Massoud asked. Jane Didona and Mazzucco said they are behooved to look at it again. Mazzucco resatated what Massoud would like them to look at, the issues and concerns that we heard. Massoud asked did you present any alternatives for the development of this site? Jane Didona replied, as I said, we did look at a subdivision development. Do you means maps? This site would be allowed to have 26 lots. Massoud said the charge of this agency is to consider alternatives that would cause less impacts; what did you consider besides a 26 lot subdivision? Jane Didona said a 23 unit cluster development. This is what we came up with, Didona said; we felt it was a better choice. Massoud said okay. Joe Putnam, for the record, identified himself and responded to Massoud: the net result of the development; it's just going everywhere now, if Mike will explain the predevelopment conditions, versus the post development conditions. Massoud said not to belabor the point, and assuming the Public Hearing will continue, I'd like to request a more detailed prudent and feasible analysis, including the distance from the edge of the landscaping to the wetland is approximately 30 feet; this is a rather close buffer to me, and I'd be interested in an alternative that might expand that buffer. I will read the soil scientist functions and values reports, a fairly critical function.

Craig Westney said he has two questions: on the roundabout, which Jane Didona responded to. Didona explained that Barry Rickert requested a turn-around in their pre-application meeting. Westney asked how did it come about to have this additional parking, this additional impervious surface. Jane Didona said Dan Baroody was not at that pre-application meeting. Didona said they requested that we have overflow impervious parking. Dan Baroody, RS, MPH, identified himself, saying we basically have not completed our review yet, so I suggest we continue the Public Hearing, and get revised plans into the Health Department. Baroody said we really can't get into regulating the parking. Westney said, but it increases our impervious surface, which is not uncommon to what we discuss with many of our applications. Baroody said, again, I cannot speak for the applicant. Westney asked can you find out from Planning why they wanted additional parking? Gallo interjected but our charge is not to regulate parking. Westney said this is unconventional; I'm trying to understand this; it will impact the wetland. Putnam said it was the Planning Department, not the Planning Commission, and Didona agreed. Didona said they wanted us to add additional spaces for the clubhouse. Westney asked can you do a calculation for widening the road versus additional parking? Mazzucco identified himself again and described a cluster development, and the regulations for multi-family housing, visitor spaces; not enough visitor spaces; Planning always looking for "do you have enough visiting parking spaces"? Jane Didona said we do have four spaces per unit. We'd be willing to entertain a reduction in parking most definitely. Baroody asked has applicant filed also with Planning yet? Jane Didona replied we are only before you. Massoud asked is this one big parcel with the Amber Room, or a stand alone parcel? Putnam replied I think it's two separate lots right now; it's three lots total, and two of them will be combined. Lees made a motion to **table** to 5/9/07. Fagan seconded the motion. The motion carried unanimously at 8:34 pm. Chairman Gallo said the motion carries; thank you.

Gallo announced we'll take a five minute recess at 8:38 pm.

OLD BUSINESS:

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. Site walk 4/4/07 by Mills, Baroody. Chairman Gallo introduced this application at 8:44 pm. Neil Marcus identified himself, saying with me from the Artel Engineering Group, LLC, is Mark Kornhaas, PE. The last time one of the concerns of the Commission is the use of this parcel. We've developed, of course, a crossing; so instead of a crossing to nowhere. It's rare we use this area for parking. In reality, we would like to use it probably mostly for parking. You can't build in the floodplain itself, Marcus said. So we have an alternative which we'll give you tonight. This way we will only ask you at this point to focus on the crossing. The only open area of Kissen Brook is right behind the dairy, Marcus said. They put culverts in behind Pier I which changed the nature of the brook. The culvert at the airport which was recently approved by Planning and this Commission, those culverts appear to be six inch boxes. We're putting an eight inch box here. There's no logical way that the eight inch pipe could be the restricting part of the pipe, Marcus continued. There will be no restriction which will impede the flow water for the airport. Last week we had a lot of rain. The mall was completely flooded, Marcus said. Our property on both sides of the brook was not flooded, with the exception of about one area. With the sediment, it does rise up. It did not break the bank, Marcus said. We have not had a more intense storm in quite a long time. The bank used to be our house. In the Great Flood of '55, none of our property actually flooded at all, even though we are in a floodplain. I don't think the airport's concerns will really be an issue, Marcus said. We've sent all this up to Hoyle and Tanner, consulting engineers for the airport. We ask you to therefore approve the crossing. The airport issue is really not your issue; theirs is "will we flood, will we not flood?" Marcus concluded do you have any questions?

Mills said he did a site walk a few weeks ago, you said you'd have to raise the grade of parcel B; how much do you have to raise grade of parcel B? Mark Kornhaas responded about two feet of fill above the top. Mills posed a question about erosion, which Mark Kornhaas answered at the easel: with this alternate plan, with less filling and cutting. Mills had a question about the ponding of water on site. Mark Kornhaas said, as you know, the parking lot has deteriorated over the years. Mills asked, if this were approved, how would you get that grade? Kornhaas said we would have to review that grade and pitch it. It is concentrating flows and causing some erosion, and we could improve that, Kornhaas said. Lees had a question for Mr. Mills: did you listen to tapes from the last meeting? Mills replied yes. Marcus said clearly, we'll have to come back to you for any future development. We don't have a curb cut from Backus Avenue. Westney said, back to the bridge to nowhere: you just commented it will mean significantly less cutting and filling. But at a later time, all that cutting and filling may still have to occur. Marcus explained if we can access this here, actually, we might have a building here. I told my brothers your concerns, Marcus said. With a structure you would not do as much cutting. Lees made a

motion to **table** at 8:55 pm. Westney and Mills seconded the motion. The motion carried unanimously. Marcus said by then we should have a report back from the airport as well.

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. Site visit done 4/4/07 by Mills, Baroody. State DEP, Diane Ifkovic 4/18/07, recommends more detailed site information be provided to Commission. Neil Marcus identified himself again at the mic and said "same team". At our last meeting we were waiting for a letter from the DEP. Has the plan been modified to include more details as DEP requested, Marcus asked. Mark, have you done that? Mark Kornhaas, replied no, we have not. Marcus said we will do that; we will come back with modifications and make it clear enough for the DEP review. I was a little bit taken aback by the way the letter was phrased. At this point, the plan is to leave the building at same existing elevation and floodproof it. Kornhaas said that's correct. And other than that, I'm not sure what the DEP is looking for, Marcus said. Massoud said when I read it, holding said letter, the letter said they don't have enough information even to make recommendations. Marcus protested. Secretary Lee said but they are in Hartford. Marcus answered I was in Hartford today. Marcus said we'll floodproof the building; it's in the flood zone. As I read it, she wants us to show some of the building specs on the plan. I'm confused, Marcus said, why she can't understand the plan. Neil Marcus described that everything else on that site is well developed. Mills asked, Mark, am I reading this correctly: they are asking for (first page of letter) river location floodway, floodway boundaries? Gallo and Mills reread the DEP letter. Mark Kornhaas explained that the letter says we don't tell DEP what we intend to do. We intend to floodplain the building. Mark Kornhaas said there's a lot of gates. Lees discussed the history of area, the flooding, cars leaking oil and ATF fluid, standing in line waiting to get coffee, if it gets overrun, flooded, will it still keep those harsh elements from getting back into the river. There's no Vortech unit; there's no outlets. Mark Kornhaas replied, in this area, is it going to work in a storm like we just had? No, Kornhaas said. Lees said I've got pictures: there's a car up to it's roof. Marcus said Dunkin Donuts will not generate a lot of new traffic. One goes there for coffee because it's there. If it was exacerbating the condition, but it's not, Marcus said. For years it was just was a parking lot: they just sat there dripping oil. Lees said I suggest take Hugo as your standard. A 500 year storm is coming every couple of years. Kornhaas said I think you mean Floyd. He discussed with Marcus, Lees and Kornhaas the number of years flood event. Marcus said we will try to address it for DEP and for your concerns for water treatment; we'll look at it. In reality, the best idea might just be a good maintenance plan; that may be the best option. Massoud asked about variance (ZBA 06-22 and 06-23) that was denied. Marcus said Richard S. Jowdy sat right there and said why don't you just reuse the same building? So we took the denial, we didn't appeal it, and we came back with this plan here. Jon Fagan made a motion to **table** at 9:10 pm. Lees seconded the motion. The motion carried unanimously.

15 Hillandale Road

Regulated Activity # 748

Elio Ferreira

Assessor's Lot # F08097, RA-40 Zone.

Date of Receipt: 3/14/07.

SF residence, well, City septic, driveway.

First 65 Days: 5/18/07. Second 65 Days: 7/22/07. R.J. Gallagher, Jr., PE. DEIC wants site visit. Rec'd. letter 4/2/07 with concerns from Nancy & Robert Green. Rec'd. letter 4/23/07 with concerns from neighbor T. Culler. Ferreira requested to **table** to 5/9/07 (Gallagher on vacation). Lees made a motion to **table**. Soriano and Fagan seconded the motion, and the motion carried unanimously.

NEW BUSINESS:

28 Hillandale Road

Regulated Activity # 754

Safet Sadiku

Assessor's Lot #F08088, RA-40 Zone.

Date of Receipt: 4/25/07. Construction new single-family home, well, driveway. First 65 Days: 6/29/07. Second 65 Days: 9/2/07. M. Mazzucco, PE. Gallo introduced this new application. Michael Mazzucco, PE, said in my haste I ran out of my office without the plan. Baroody asked we have the plan, Pat? Mazzucco discussed the vicinity, where the wetlands are flagged, a small band of wetlands in the middle. Mazzucco said we have a fair amount of impact, but since we have sewer and it's a .28 acre lot, there's not a lot of disturbed area. There is a lot of water that comes off that hill, if you know the area. Mazzucco said I don't know if you want some staking done? Fagan asked this is on the high side of the road, Mike? Mazzucco said yes. Fagan asked, along the property lines, on either side, is there a 10-foot wide easement for drainage? Mazzucco replied that I don't know; sometimes that is a general note; I'll look into that. Fagan said the reason I ask is that it allows for a way to pipe the runoff as it was intended many years ago. Mazzucco described it as close to the waterline; more of an impact to the wetlands on the north side. It's just a broad area, and soils up there are hardpan. So it comes down slope, and becomes saturated and very close to the surface, Mazzucco explained. Once you cut into those soils, you get groundwater. So we do have retaining wall. Lees asked was this always a building lot, or was this subdivided from Mr. Lopes' area? Mazzucco described how two out of the three lots were obtained. It was actually larger than the original subdivision. Mills asked are the wetlands flagged? Mazzucco said the wetlands are flagged. Mills said he wants the house staked. Lees asked can driveway be flagged also? Mazzucco said yes and he described the design of the house. Massoud asked can you explain the northern wetland line here? Is there a stream corridor here? Mazzucco said from there north it was considered wetland. Massoud, Mazzucco and Baroody discussed the elevation, the continuation of the slope until you get to the neighbor's house. But his back yard is wet, Mazzucco said. Mills asked can you have that staked by next week? Mazzucco replied I'll call Pat when it's staked. Westney said he had one question: the shorter lines, is that your silt fence? Mazzucco replied yes. The Commissioners folded up their plans. Mazzucco concluded I'll have that staked out, and I'll call Pat. Lees made a motion to **table**. Jessica Soriano seconded the motion. The motion carried unanimously at 9:20 pm. Fagan said I was just dumbfounded to hear Jessica's voice!

Saw Mill Road & Old Ridgebury Road, Regulated Activity # 717 R

The Reserve, Phase 4, phase A,

Assessor's Lot # B15001, PND Zone.

Date of Receipt: 4/25/07.

400 residential units, "Encore at Rivington".

First 65 Days: 6/29/07. Second 65 Days: 9/2/07. 12-unit condo building. Revisions by WCI Communities /Tighe & Bond. Chairman Gallo introduced this application. Jon Fagan recused himself. Daniel Baroody, RS, MPH, took the mic and identified himself. The applicant is not here tonight. We received this change to the permit just yesterday. There's no report, and the applicant will be here in two weeks. Baroody said this is a permit that is active; he just wants to make a change. Gallo said if it arrives the day before, it's not on the agenda. Massoud had a question: was this just a finalization of their plans? Dan said it's the existing heliport. Massoud asked, again, it's more of a modification? Baroody replied yes, a modification. Gallo asked if there were any further questions. Soriano made a motion to **table**. Mills seconded the motion. The motion carried unanimously at 09:23 pm.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL:

Hayestown Road

Regulated Activity # 115 R

Crystal Bay Association, Inc.

Assessor's Lot # I09066, RR-10 Zone.

Date of Receipt: 3/28/07.

Two 10-car detached garages.

Administrative Approval by Dan Baroody 4/19/07.

Kenosia Park

Regulated Activity # 753

City of Danbury Public Works Dept.

Assessor's Lot # D15022, IL-40 Zone.

Date of Receipt: 4/25/07. 18 Christopher Columbus Blvd. Park repairs and beach maintenance. Administrative Approval done by Dan Baroody on 4/13/07. Gallo read the two Administrative Approvals, and asked are there any questions for Dan? Fagan asked what did they do at Kenosia? Baroody confirmed that this is the project that Matt Rose was concerned about.

ADMINISTRATIVE STAFF ACTIONS:

Notice of Violation 4/12/07 to 58 Benson Drive, Steve Miller, debris in wetland area. Baroody explained this is an ongoing battle between two neighbors and Mr. Mills got us involved in it.

Mills said, through the Chair, I was wondering about the Notice of Violation on Beaver Brook Road. Baroody answered he's (William Coffee) cooperating and has to plant more now that it's spring.

UCONN TRAINING, Segment II, Term 1075: 5/19, 5/22 & 5/24, 6/6, 6/9, or 6/13/07. Gallo: I plan on going on 6/13 to Derby 9 to 4. I will sign up tomorrow. Mills said I would like to go to this one with you. Soriano, Gallo and Baroody discussed the free voucher; if Soriano does not want to go, Mr. Mills could go in her place. Soriano expressed she does want to attend. Chairman Gallo is the only one

on track to get the certification, Baroody said. Gallo said check with Scott LeRoy and see if we can come up with another \$50. Lees added I'm interested in going to that third final one.

CORRESPONDENCE:

State of CT DEP notice of tentative determination to approve application to construct a stormwater detention dam at The Reserve; BLT Reserve, LLC, Windemere Reserve, LLC, and WCI Communities, Inc., applicants. Gallo read at 9:29 pm.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS:

Acceptance of Minutes for **4/11/07**. Motion to accept minutes as presented by Bruce R. Lees. Second by Fagan. Gallo said to add one correction to the minutes: Craig Westney was present at the 4/11/07 meeting. The motion carried unanimously.

Baroody, in answer to Jon Fagan's question, said Mr. Otto on Padanaram Road received the Warning Letter and ceased the work. Lees asked is a siltation fence up? Baroody said yes.

Padanaram Road

Regulated Activity # 749

Cotswold of Danbury, LLC

Assessor's Lot #F07052, RA-20 Zone.

Date of Receipt: 3/14/07.

57 SF cluster residences, Tighe & Bond.

First 65 Days: 5/18/07. Second 65 Days: 7/22/07. Surveying Associates, P.C. 74.15 acres. **Public Hearing** will commence 5/9 /07. Chairman Gallo noted I'm sure it will be a long one.

ADJOURNMENT: Motion to adjourn by Fagan. Second by Lees. The motion carried unanimously at 9:32 pm. The next regular EIC meeting will be held on **May 9, 2007**.

Respectfully submitted,

Patricia M. Lee, Secretary