



**CITY OF DANBURY**  
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**MINUTES**

**May 9, 2007**

**Common Council Chambers**

The meeting was called to order by Chairman Bernard Gallo at 7:14 pm.

**Members Present:** Chairman Gallo, Matthew N. Rose, Jon K. Fagan, Craig Westney, Jessica Soriano

**Members Absent:** William Mills, Alt. Kurt Webber, Alt. Mark Massoud

**Staff Present:** Daniel Barody, RS, MPH, Environmental Inspector, Patricia Lee, Secretary

The Board Members identified themselves from right to left at Mr. Gallo's request.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Jon Fagan.

**PUBLIC HEARING:**

**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. Letters in opposition rec'd. 4/27 & 5/3/07. Earthworks plans rec'd. 5/9/07. **Public Hearing** opens tonight. This item was moved by Chairman Gallo to second on the agenda. Gallo introduced this Public Hearing at 7:55 pm. Jon Fagan recused himself from this application. Attorney Paul N. Jaber, of Deer Hill Avenue, introduced himself and his firm, stating that he represents the owner, Cotswold of Danbury, LLC. Jaber asked that the Commission combine this application with Regulated Activity # **749G**, a request to allow the applicant to do some testing on the site. Chairman Gallo said we will have to vote on them as two different issues. When we vote to close or continue this Public Hearing, we have to vote separately on # **749G**. Jaber then asked, just hear them together. Atty. Jaber said I know you all know this property, and he described the vicinity, 74 acres of land, and he talked about the two areas, referred to as the north side and the south side. We will continue to talk about it that was. Fifty-seven homes are proposed, Jaber continued. This matter had been before you twice before, and had been withdrawn. Hopefully, Jaber said, this application addresses all those concerns that came up at the previous Public Hearings. The property was approved back in 1974 for 113 homes, and Jaber described with the former owners had achieved, 11 foundations or so; the remnants

are still there. The applicants purchased the property just last year. I have a list of presenters who will speak. This evening will be Matthew Popp, Landscape Architect with Environmental Land Solutions, LLC, in Norwalk, CT, and Dr. Ron Abrams, Principle Ecologist with Dru Associates, Inc., in Glen Cove, NY. Jaber thanked the Commissioners at 8 pm and sat down.

Matthew Popp identified himself at the mic, out of Norwalk, stating that he has been visiting this site maybe ten to twelve times over the last 3 or 4 years. I've prepared by report, Popp said, and he took the microphone to the easel to the two renderings. This site was disturbed about 25 years ago with construction, and that resulted in numerous fill piles, eroded channels (Tape 1 flipped to side B), and lots of invasive species. The wetlands are shown on this plan in lime green. There are two types of wetlands here: the Padanaram Brook corridor, which has some visible quality, a swimming hole with a marsh down off this area; the other wetland areas are resulting from manmade activities. Those are drainage channels with lots of erosion, lots of gullies. Ron will show you photos. There are a few trapped water pockets dominated by invasives, and a small wet meadow on the northern part of the site. Popp listed the animals that were previously reported seen on the site. There are no endangered species here, according to the Natural Database. There is a fire access road that connects to two cul-de-sacs, Popp said. Since the site is steep, we do propose some retaining walls. The wetland impacts: we propose to fill .9 acres of wetlands. It will temporarily impact Padanaram Brook. Popp described the proposed stormwater treatment devices and methods, the vegetated swales, mitigation measures to be added to the plan. The area that is not being disturbed we propose to donate to the Danbury Land Trust. Popp described the crossing, where the pipe has to be realigned. We will have a Conservation Easement on some areas. We are proposing to restore a few of the gullies. There is a 36-inch discharge pipe that we will remove. On the south end of the site, we will take out the old foundations and replant with species that Popp listed. We propose to remove a pipe, restoring about 400 sq.ft. of wetlands. We will try to eliminate the barberry and the bittersweet. We are using Best Management Practices, and we will preserve the higher quality wetlands on the eastern side of the site.

Jaber added that Clapboard Ridge is to the west of this property, and he described the proposed access to the property, and the extension of Eastwood Road. East Gate, Hillandale and Eastwood are adjacent subdivisions.

Dr. Ron Abrams introduced himself and his firm in Glen Cove, New York. I am a certified environmental professional and I teach at Long Island University. I was asked to review the site and perform a wetland function assessment. Abrams referred to his slide show, which was opening on the screen, which shows a bird's eye view of the area. Abrams described the steep slopes, the valley, the woodlands, the significant canopy of mature trees, and linkage to significant areas of the Greenbelt. The second slide is a typical look at the woodland in the area. The third and fourth slides show wetlands and brooks. This is the type of information that went into the assessment, Abrams said. Also, he showed and discussed the secondary characteristics, and the slides that have blue lines showing the watercourses, the brook in the valley, which receives an enormous amount of water, the abandoned areas, the flat spots that trap water, a network of pipes installed by not maintained, erosions and scours that have washed out any organic substances, resulting in sedimentation transport down to the valley. Now I need to speak about wetland regulations, Abrams said. In Connecticut, wetlands are defined by hydrology soils. At the Federal level, Abrams described how wetlands are described. Abrams said the Cotswold soils are not really a functional wetland; they are severely scoured watercourses, with no wetland vegetation or animals using those watercourses. They are great garbage collectors, and Abrams described the marsh. The southern edge of

the marsh meets suburbia. The marsh is critical to the system; "it's a great marsh", Abrams said, referring to another slide. There is rich, diverse vegetation, however subject to severe flood flows, yet it has managed to survive this. There is quite a lot of wildlife activity. The sediment has a low organic value. The marsh is accepting it and growing up over it, Abrams continued. He described the watercourses next, the severe runoff from the residential areas, showing a slide with a house at the top of the hill. If you look in the pool, you will see a deep sediment bed. This is not a natural wetland, and it is reflected in the physiography of the site. The wetland assessment looks at biology, hydrology groundwater, storm/flood protection and shoreline stabilization, water quality, cultural / economic factors, recreation, aesthetics, and education / research. We looked at whole ecological units, Abrams said. He showed the map with the assessment areas which are in the report. Abrams discussed the predevelopment assessment, as it is today, and the high and low values that he found at the Cotswold site. The next slide showed data, with red numerals, showing the areas most hard nit, and yellow showing above values. This site has some good spots, Abrams said, but a lot of bad spots. Abrams next discussed the major existing trends in data, data highlights problems, post-development assessments results; it's essentially a comparison to the pre-development. We see significant improvements post-development. He showed the assessment areas table post-development. There are always ways to look for more enhancement; six out of nine have improved in biology, hydrology, using the Noteworthy Functions Improvement slide, and Abrams discussed the beneficial results. Abrams concluded by reviewing what he has shown. We think we can help that. If left the way it was, it will continue to decline. Gallo asked are there any questions from the Commissions at 8:31 pm.

Jaber said at the next meeting we will go into engineering design. Baroody said, through the Chair, we have to go for the Public Hearing continuance, then address the application # **749G**. Chairman Gallo said at this time, the Commissioners would like to take a five minute recess at 8:32 pm, and the tape was turned off.

The meeting was called back to order by Chairman Gallo at 8:40 pm. Gallo said the public will now have a chance to speak. If you do not get a chance to speak tonight, the Public Hearing will be continued at our next meeting.

Mr. Ken Gucker signed in and said it's my third time before you for "this problem". I predicted everything they would say tonight, and they did say. "It's not true", Gucker said. We have wetland issues here, and we also environmental issues, trees, rocks. Regulated Activity #587 and #620 should be added to this file as well. I went to Town Hall and the new application is not as thick as this, Gucker said. I hope we can get down to the questions that have been asked in the past: the same problems, the same rhetoric. We have over 200 signatures on a petition tonight saying this is a bad idea. We could have had twice as many signatures, and he asked for a show of hands of signers in the audience. Gucker presented the petition to Secretary Lee. Another thing I never want to hear again, Gucker said, is that this was approved for 113 houses. It is not a benchmark; it's a past mistake. One a side note, Gucker said, this project still has many problems, the cuts, the fills, the retaining walls the majority averaging in the 10 to 15 foot range. Dropping in fill and then holding it up by retaining walls is ludicrous. The last speaker: it's ludicrous, Gucker said. This project is going to encapsulate the water and drop it down below. There are a lot of problem that they have not addressed. They have not answered them before, and they still have not answered them. Thank you. The audience applauded at 9:50 pm. The next speaker, Del Ryan, signed in said he resides at 8 East Gate Road. I was here for the last presentation and I presented the Board with some photos I took of the storm drains coming off of Clapboard Ridge. I still have not heard from anyone who has gone above East Gate to look at that runoff, Ryan said. It's coming down

from Clapboard Ridge, and they have never taken care of those pipes. It went over time, because of that Northeaster we had, Ryan said. Has anyone ever gone to the State to look as high as Clapboard Ridge. It's going to end up down in their front and back yards. I don't know if you still have my photos. We live with one of those pipes in our backyard. So I wish you would take that waterflow in to consideration, Ryan concluded.

Lynn Hamilton Lukasik next identified herself and signed in, saying her neighbor Silverman wanted me to submit these photos of wild turkeys, which she did. That show (by Ron Abrams) showed me that bad past development has damaged land, and we have to stop it. I am opposed to this, Lukasik concluded. The audience applauded.

Laura O'Brien from 37 East Gate Road signed in, stating I have been there for 16 years. It's right here; right in the middle. I have spoken at the last two times, and I have the same objections and some new objections to this application. Thank you, neighbors, for keeping so much of our neighborhood as woods, O'Brien said. Uphill and downhill of us there are significant woods. Showing photos of fresh deer tracks and a red cardinal, O'Brien said there's an assortment of woodpeckers, possums, ground creatures, and a wonderful flock of wild turkeys. Next I want to talk about water. The one thing on which I agree with the applicant is the stream photo taken today. Water is finding new outlets all the time up and down this hillside. It's quite a significant stream. We manage it, and then we let it flow uncontrolled to the wetlands; it recombines and redivides, across the entire back yard of my property. Here's another photo of the stream before it starts dividing. This is not an uncontrolled watercourse coming from a residential area. It may be aggravated. I believe it is ground water coming from underground streams, O'Brien said, which I will get into. (Tape 1 replaced by Tape 2, Side A). O'Brien showed the photo illustrating that it is enriching the hillside, contrary to what this applicant just said. O'Brien held up the Sconset Park marketing flyer. These ponds have been there, and I believe the water is flowing underground into our stream. Now why put more houses on top of those waterflows? We have spent 15 years redirecting water around our house, which she described. In spite of 15 years of effort, O'Brien said, we still had a major basement problem in this last storm. There is no way retaining walls will retain the water. Please don't let the developer damage this hillside any further, and she read from the Sconset Park flyer and rebutted it. Do not build more homes, O'Brien said. Do not clear more land. Do not build more retaining walls that will fail. The audience applauded.

Jean Campbell of 94 Hillandale Road signed in at 9:04 pm, stating that she moved here in December 1975. Campbell said I'm having a bit of a déjà vu; nothing has changed since the last round. The neighbors do not have the benefit of these incredible experts and their charts and maps and Power Point presentations. We have common sense, Campbell said, and we are here 365 days a year. While the presentation was going on, I could not help but think why would he want to build on this. All the experts in the world can come in here and explain, but they don't live there. I thought before there was a lovely babbling brook on the other side of my stone wall. I finally realized that it was not a brook, but the runoff from Clapboard Ridge. I can still hear that water running, only through a pipe. I think I'm back in Brooklyn. Why can't the City of Danbury leave well enough alone with the environment? Kidding, I said back then, Campbell said, I know about five acres that was where all the wildlife was going to live. None of these guys live there. They just want to make the almighty dollar. They will add 57 more homes to the real estate pages that are up for sale and empty. In Sconset Park, I think only one of those homes have been sold. We can fight because we are the residents of Danbury. Campbell thanked the Commission at 9:09 pm. The audience applauded.

The next gentleman, Joel Limoncelli, of 25 East Gate Road, signed in and said my concern is not only for the wetlands, but I have a personal concern with what the damage is going to be to this property. Limoncelli went to the plans on the easel and discussed Ron Abrams' summary assessment report. Limoncelli said Dr. Abrams spoke quite eloquently about all this lower area, but he never discussed the major part, which is the effect of all of these houses. There is a tremendous gradient here, and look at the density as compared to the density on neighboring properties. All these properties will have their septic systems in the rear. In the fifth year and beyond, all this land mass will shift and all of these septic systems will be adversely affected. You're talking \$25,000 to \$35,000. These gentlemen will be long gone, and my neighbors and myself will be sitting here holding the bag. Money should be held in escrow for a time on this project. The audience applauded.

Melinda Wilkins of 5 Mountain Laurel Line next identified herself, signed in, saying the packaging has changed. Now the applicant understands what a gully is, so that's some progress. I know overcrowding and the disastrous state of the road is not your purview. A Northern Goshawk does appear every year and I will take his picture, and he is on the endangered species list. It seems they were arguing about Federal regulations versus State regulations, and she referred to Hollins-McGee. We have to take great care to make sure that the assessment is accurate. And we need other degreed people to agree with that. I would urge you to proceed with caution as you have done the last two times. The audience applauded.

Chairman Gallo said we do care about overcrowding, for the record. We just can't address it.

At 9:16 pm, Joseph Zatkovich of 16 Eastwood Road signed in and thanked everyone for coming out tonight. Zatkovich said you will notice there is a change. We added more homes, a lot more homes closer together. We had to fill them in somewhere. Most Danburians know there is a problem (with pollutants) getting into Candlewood Lake. Most people are going to care for their yards, and all that runoff is going to runoff. You are talking 57 homes, 57 lawns, the cars; I hope you deny it. Thank you. The audience applauded.

Thomas Pura of 43 East Gate Road came forward and signed in at 9:19 pm. I've been here before like a lot of us, Pura said. I'm against this project. I lived in Danbury in 1978. I looked at three California Ranch style houses that a developer had put on the road, when my wife and I were looking for a home. He had three-car garages that faced the ridge. In the fall of 1978, we had a horrendous, not a horrendous; we had a wet fall, and those driveways ended up in the road. You can go back and look at it, Pura said. The water was there and it washed out three driveways. Ken Gucker mentioned we've been here before. I helped organize against this development. We've been here November 9, 2005; the Public Hearing was continued, then EIC # 620 opened in June 2005, and continued, and Pura enumerated the previous 2005 dates. Gucker asked that the previous files be made a part of this file. You people ought to take a look at those files. Gallo said I'll have to ask Corporation Counsel (if we can add the previous two files to this one). We have to consider how does this affect the environment. I ask the EIC Commission to get your hired gun, Dr. Steven Danzer; in his report dated 9/12/05 to Scott LeRoy, regarding the existing open space on this property, and Pura read the section of the valuable corridor, the past disturbances that may have resulted in permanent enhancements, several other factors, and having created a network of viable habitats. So you heard their expert, Pura said. This is Dr. Danzer who is a Ph.D. also. Pura read a few more passages from Danzer's 9/12/05 report into the record. Our guy says you're going to screw it up by building here. The last thing I'll talk about, Pura said, is the animals, and he discussed what he will see post-development. We have a tremendous amount of songbirds. You are going to make me now look at

another Stetson Place? Please don't do it, Pura concluded. The audience applauded. Raymond McGarrigal of 41 East Gate Road, identified himself and thanked the commission. McGarrigal said you live in Danbury; you care about Danbury, our City, and our experts rule here. I understand this is an environmental meeting. There's a lot on the table. That's why you bring back your a-team, McGarrigal said. That's why we want you to read the previous record. It's the same number of homes; they intend to maximize the area to build as many homes as possible. Their expert, Ron Abrams, made an excellent presentation, saying we have some serious environmental problems. How about common sense? Let's say we are all going to sit in a room brainstorming. Okay, let's build more. Let's remind ourselves that development is what caused the problems. It would not fix all the problems, and maybe we could do more. Another solution: don't develop, McGarrigal said. Let's fix the problems as a City. These people will help in any way to improve the quality of life here. Once you build, you don't unbuild. I'm asking for your common sense, McGarrigal said. Two wrongs do not make a right, my mother taught me. The audience applauded.

Chairman Gallo said we have ten minutes left; is there anyone else who wishes to speak?

Mark Nolan signed in at 9:31 pm, identified himself, and said he lives at 37 Brushy Hill Road in Danbury. I was here tonight to speak about another issue off Southern Boulevard. Nolan listed all the jobs he holds, and he commented on the neighborhood support he's seen here tonight. The neighbors have certainly given their heartfelt input, Nolan said. I thank the Commissioners for their volunteerism. We hope we are creating a community that will sustain itself, and be able to appreciate it for our children. We are blessed with a tremendous amount of valuable environment. Your job is to make sure you take a look at the big pictures, as our forefathers did, and not make the mistakes that were made in the past and stand together to create a community. Hatters Park was flooded during our last two storms. It all ended up in the Still River, Nolan said. That's all going to have to be cleaned out. I'm excited to see the neighbors have joined together. And I think this speaks loudly about our community, and I hope you give this careful consideration, Nolan concluded at 9:36 pm.

Paul Schaffer of 31 East Gate Road identified himself saying I'm opposed to this development as well. It's a testament to my neighbors that over 200 signatures show opposition to this. Over 50 people here tonight took time out of their night to come here. The previous speaker took some of my words, but I'll leave you with one little anecdote. I travel a lot, but I was home Monday evening to see a couple of deer come into our yard. We should relish and appreciate nature. Tonight we did not hear about all the trees that will be destroyed. I think it is your responsibility to review the previous files that were presented to you. Tom noted several hearing dates. I expect you'll see more of the same.

Benjamin Chianese of Briar Ridge Road signed in and said I spent many hours looking at this application when I was Chair of the EIC, when this came before us twice. I spent almost 3½ hours out on this site, because what you see here is a one-dimensional presentation. Chianese described what the Commissioners will see when they go on site. In between the homes, it's not going to be flat. In between the units, Chianese said, it will look like a wave. They also plan on taking all that fill and putting it on the other side of this road. It's going to be flat and then it's going to drop. Putting a lot of fill in here will therefore double the retaining walls. In the past, this Commission has never approved double retaining walls. I'm not against developing this site; it can occur on this site, it's buildable, but the terrain changes as you go further and further down. The biggest environmental impact, Chianese said, is this piece since the grade is slope down to this point here. Maybe 400,000

sq.ft. of fill; that's a lot of fill. I spoke with the applicant a few months ago off the record, and I told him this is where the biggest environmental impact will be. Chianese continued to use the maps on the easel, saying go out and take a look, then you can address the proper questions. He concluded at 9:44 pm. Chairman Gallo said that ends the public portion of the hearing. The next meeting will be the 23<sup>rd</sup> of May. Rose made a motion to **continue the Public Hearing** to 5/23/07. Soriano seconded the motion. The motion carried unanimously. Gallo said wait just one minute until the room clears out. (Tape #2 flipped to side B). Jaber returned to the mic and thanked Chairman Gallo. Mr. Mills asked us to do some testing on the last two applications, which introduced:

**NEW BUSINESS:**

**Padanaram Road**

**Regulated Activity # 749 G**

**Cotswold of Danbury, LLC**

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

Date of Receipt: 5/9/07.

Geotechnic Permit, Tighe & Bond.

First 65 Days: 7/13/07. Second 65 Days: 9/16/07. Temporary wetlands crossings permit. Jon Fagan is still recused from the panel. Joseph Canas of Tighe and Bond, Shelton, CT, identified himself, saying that at the 3/29/07 meeting, Mills had requested we get Geotech information for a part of the site. Canas explained that he northern site was inaccessible without crossing the wetlands, which he pointed out on the plans. Canas reviewed why it would be difficult to get boring equipment in there without building ramps. We'd make use of the existing road bed, and he showed where he'd have to cross the wetland and discussed the required vegetation removal, much of which is invasive species, the metal skids for machinery to pass over, replacing the vegetation where cut with conservation stock. Canas described the crossings and measures to ensure that they don't wash away. Canas said the applicant has offered to also post a bond to the City. We plan two weeks after the borings are done to do a site visit with the EIC Commissioners. Canas discussed what the borings will show; if there is bedrock in this area. Dan Baroody took the microphone, saying the Commissioners should consider permitting this. You can move it to Administrative Approval, or I could prepare a report for the next meeting. Rose said I like to recommend that we **table** this. Soriano seconded his motion, and the motion carried unanimously, with Fagan still recused.

**CONTINUANCE OF 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 SF detached cluster dwellings. **Public Hearing** opened 4/25/07. Revisions, alternates rec'd. 5/9/07, at 2:50 pm. This item was heard **first** on tonight's agenda 5/9/07. Chairman Gallo read the legal notice at 7:15 pm for both **#749** and **#752** applications. Craig Westney has arrived, Gallo announced. Gallo stated to the audience the purview of this EIC Commission; not traffic, not overcrowding. Gallo then introduced the Glen Brook Estates proposal. Jane Didona of Didona Associates at 70 North Street introduced herself at the

microphone. She said we have brought some more mapping showing some alterations that we will review. The first thing I want to show you is that most of this property (light green on the plan) is disturbed by man, that is, it's mowed lawn, four structures, and parking areas already on this site. This is our new proposal. Didona showed existing conditions and the site consecutively on the easel. The second thing in your packet, Didona said, which we apologize you only received today, is to show you the changes to Stacey Road. If you don't already know, the Dept. of Transportation (DOT) is planning to do some changes to this intersection, Didona said, but the timing of this project has not been confirmed. The main change to the project when DOT does this new alignment is highlighted here in the yellow, she said. They are intending to take a very small sliver of our property, shown here in the red; a very minor taking. At this time, we are engineering for the current configuration, and will plan for the future configuration, changing only that turning radius. Didona said we did do a fairly significant change based on your comments and those of the Public. When we met with Dan (Baroody) early on, we wanted to keep all structures 50 feet away from any wetland, Didona said. So we changed the layout; so now we've rearranged everything. We removed the clubhouse for this 23-unit development and took out that roundabout, making a hammer-head situation for the fire trucks. We have five units of the smaller size. This is a reduction in impervious surface. Didona continued we moved these units away, and we have significantly more buffer material between what I call the Jeffrey's Shopping Center. Another little detail is we'll put soft trails around the community, and she showed where the trail system will start. Didona then described some things that changed to the proposed mitigation. We still have the rain gardens; number ten we took out, and we added a riparian buffer of native shrubs and perennials; more of a mitigation. We gave you a maintenance plan on the rain gardens. We did a much more extensive stream restoration: the squiggly line shows the stream restoration. We will take out the culvert completely and do a bioengineering technique. We did a restoration at Rogers Park Pond with Jack Kozuchowski where we got 95%, a great riparian buffer around Rogers Park Pond. There will not be a lot of digging or erosion around the stream. Also, Didona said, in talking to our environmental team, they suggested we actually seed the area with a conservation mix also to increase diversity of the stream edge. The last thing, which is dear to my heart, Didona said, is they strongly recommended removing the invasives on both sides of the road, which she enumerated, and replant with conservation mix. What we could do is reduce the parking, once we took out the clubhouse, and Didona enumerated the number of parking spaces. We're thinking that the parking will be used for a major party or graduation. We also had to move the detention area over here, and that put it between these two units, which Mike Mazzucco will discuss. Mazzucco said Michael Klein is here. Didona said Mike Klein is here, and we'll do him first, then Michael Mazzucco.

Michael S. Klein, soil scientist, identified himself and his West Hartford firm, and described the stream course that runs through the property, that has large been altered. Largely a lawn, Klein said, then a more narrow channel, an isolated wetland pocket, but maintained almost entirely as a lawn. For the functions and values, it is a small size with no significant wetland functions, used mostly to convey flow through the property. There is some aquatic habitat function and a little bit of flood storage function. The site plan indicated about 2500 sq.ft. of wetland impact: the road crossing, and filling of this isolated wetland pocket. Because of the more limited function, Klein said, we thought the site plan should include control of stormwater, sediment and erosion control, and prevention of any offsite or downstream impacts. A series of water quality treatment measures and control of the hydrology of the downstream system are included. Detention basins and rain gardens are proposed;

low impact design techniques. Klein said the last thing I want to focus on is we have a real opportunity to do some restoration and enhancement here, which he described, including native plant materials. Restoration will include removal of invasives, planting of native shrubs and seed mixes, increasing the biodiversity and controlling the impacts downstream. Klein described how to implement those intended goals, the stream bank restoration, and the design of the rain gardens. Looking at the plans this evening, a Vortech unit might be appropriate and to see if that can be put off-line rather than on-line; a very minor adjustment only. Klein said that's all I have.

Michael Mazzucco, PE, next took the mic and identified himself. I just want to note some of the notables, Mazzucco said. The rain gardens were increased to one foot in depth, and he discussed additional rainfall storage, not including any infiltration, taking water from the roofs only; it is fairly clean water and they should function very well. Mazzucco said we did some perc tests out there, down to about 16 inches. Also, we made the box culvert deeper and lined the bottom of it; there's a detail sheet to show that. I'll go through some material here, which he handed to the Commissioners. I looked at the site and the watershed maps, Mazzucco said, and he described the heavier line to the culvert located downstream on an adjacent property with the site utility plan on the easel. It routes to a 30-inch pipe. I printed out the two-year storm event. I combined the two hydrographs: our peak from the site would occur before the peak of the remaining watershed. We are putting the detention on there, so we are at least meeting the runoff obligations. Mazzucco talked about the culvert analysis of that 30-inch pipe, the CFS, and referred to the hydrograph for the 100-year storm. We also, Putnam and myself, he said, met with John DeGross, the adjacent property owner, and Ralph J. Gallagher, Jr., PE, on the site. Mazzucco described where DeGross has problems with the water on his parking lot and building. With a little maintenance, Mazzucco said, that could be cleared up, we think. We looked at trying to reduce impacts, we moved the units around, and we moved the detention basin. The grade is pretty mild, but we put a retaining wall, rise up to create a berm, pulled that away from the wetlands, near flag 50, 49, and 48. There's a retaining wall around the back of Unit A. That limited filling in that area. Much of the site from the box culvert to the north did not change much; it remained pretty much intact, Mazzucco said. In terms of grading, it was really just the area to the southeast of the property. I did want to mention, as Commissioner Fagan asked about the certification, I believe Syd Rapp did a new A-2 survey. I'll talk to my client about the Vortech unit. Are there any questions?

Craig Westney asked two questions regarding the height of the retaining wall and the distance from the disturbed areas. Didona said the buildings are all 50 feet, like I said. Westney confirmed, so you were able to achieve that. Matt Rose had a question about the patios off the back. Didona said they would be on-grade patios, not wooden decks. Gallo asked are there any other questions. At 7:50 pm, Gallo asked if there were any members of the audience who wish to speak for or in opposition to this request.

John DeGross of 19 Hamilton Drive came to mic, identified himself, and said I am the current mortgage holder on Jeffrey's Plaza. I hired Ralph J. Gallagher and we all met on the site. I'm not opposed to the project in general, so I'll turn it over to Mr. Gallagher and let him talk for me.

Ralph J. Gallagher, Jr., identified himself and his degree, stating he represents John DeGross. We all met and went over the stormwater detention. There will be no increase in runoff to damage the downstream properties. The rain gardens are so on will solve the Best Management Practices, Gallagher said. There's a point at the property line where drainage meanders sharply from the south to the east. We recommend they armor that sharp meander to prevent any future erosion. Therefore

we have no opposition to the project. We are in favor of the project. Chairman Gallo said Dan and I did an on-site on the property, and it needs some cleaning up. Gallo asked if anyone else wished to speak about this project.

Dan Baroody, RS, MPH, identified himself, stating that the Health Department advises that we continue this Public Hearing since we just got the revised plan today, so we will be able to comment at the next meeting. Motion to **continue the Public Hearing** by Fagan. Second by Soriano. Motion carried unanimously at 7:56 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. 5/1/07 Ltr. to Paul Estefan from D. Virbickas. Revisions rec'd. 5/9/07, 2:50 pm. Jon Fagan rejoined the Commissioners. Chairman Gallo introduced this application at 9:55 pm. Neil Marcus identified himself saying I promised Pat I would take no longer than three minutes. Mark Kornhaas said the airport's engineers have not yet responded. I put a call into Paul Estefan and I have not heard back from him. Our thinking on this is that there is really not a significant issue with this. We're putting in 8-foot culverts instead of 6-foot culverts. The airport floods; the mall floods, Marcus said. We don't think that this will contribute to that. If you think the airport should have a continuing input on this, the airport will have this same opportunity when we come back with a site plan. So we are not going to change anything here, Marcus said, like impervious surfaces, until we come back at some future point. We ask this evening that you act favorably on this. The flow in the brook will not be impeded with the crossing. Gallo asked the Commissioners if they had any questions. Craig Westney said one of the things we talked about was mitigation for this watercourse, maybe on the back side of this site, where you have those old box trucks. Is there anything we can look for to address some type of mitigation? Marcus replied at one point we talked about mitigation. I would ask you to consider that mitigation of any future development of the site be a condition of approval. Marcus discussed the stream corridor. Jane Didona did a stream improvement project down there by Miry Brook Road, and maybe we should do a mitigation plan down there. Westney said the challenge of this is that the names and players can change by the time you come back with a final site plan. Marcus said the approval runs with the land, so it will not get lost to this Commission. I will personally see to that, Marcus added. I think that's the area where we could make a big difference. Fagan said I would be in favor of moving this to Administrative Approval, and we'd have to wait for a staff report and the airport's engineers input; I think that would be appropriate. Dan Baroody identified himself at the mic, stating I'd ask that the item be tabled, and we are asking for a report from Steve Danzer, and Paul Estefan will be here in two weeks to do his recommendation. Secretary Lee asked Neil Marcus for an extension letter. Fagan made a motion to **table**. Westney seconded the motion. The motion carried unanimously at 10:04 pm.

**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 4/4/07 by Mills, Baroody. State DEP, Diane Ifkovic 4/18/07, recommends more detailed site information be provided to Commission. Additional information received from Artel 5/8/07. Neil Marcus again identified himself on behalf of the Batista Family. We are pretty much in the same position on this application, Marcus said. I think we have completed all that the DEP required. Mark Kornhaas, PE, said we did respond to your concerns: we added the fence and the signage, the floodway encroachment line, in response basically to the DEP letter. We are not proposing to change the elevation. We did the loading calculations, as Mr. Lees asked for the pollutant removal capability. Again, Marcus said, if we get by this level, we will have to address the DEP when we submit a site plan. Fagan made a motion to **table**. Soriano seconded the motion, and it carried unanimously.

**15 Hillendale 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 requests to **table to 5/23/07** to review additional information rec'd. 5/8/07. Extension letter received 5/9/07. Fagan made a motion to **table**. Westney seconded the motion, and it carried unanimously

**28 Hillendale Road**

**Regulated Activity # 754**

**Safet Sadiku**

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

Date of Receipt: 4/25/07.

Construction new SF home, well, driveway.

First 65 Days: 6/29/07. Second 65 Days: 9/2/07. Wetlands are flagged. M. Mazzucco, PE, will call when property is staked. Secretary Lee explained to Chairman Gallo that at the beginning of the meeting, Mike Mazzucco had requested that this be **tabled**. The property is flagged, but not staked. Soriano made a motion to table. Fagan seconded the motion, and it carried unanimously

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

**The Reserve, Phase 4, phase A,**  
Zone.

Assessor's Lot # B15001, PND

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. Jon Fagan recused himself from the

panel. Gallo introduced this item at 10:10 pm. Mr. John Dolan of WCI Communities introduced himself at the microphone, and gave an outline of what they have done with this application. It was previously approved for 401 homes, and he described the residential types. Dolan said the market has taught us that our plan needed to be revised. We learned that some of our buyers had a problem with common hallways and common parking so we redesigned our mid-rise project. We changed the parking, storage units, and common area by the elevators. Eric Lindquist took the mic from Tighe and Bond, saying I represent WCI. Lindquist handed out the previously approved site plan, and the newly revised site plan, WCI-2. He described what has changed. We've greatly reduced the impact in this area, in response to Mills' question. He noted other notable revisions made, the number of parking spots, the number of units, the minor adjustments to the interior of the detention ponds, which he described. We have met with City staff and reviewed the revisions, and we fill an Administrative Approval would be appropriate. Dan Baroody of the Health Department identified himself and said I've met with the permittee. This is less impact. We walked the site with Chairman Gallo, and we recommend it be moved to Administrative Approval. Rose had a question on the small park area showed on the new plan. Soriano made a motion to **move this to Administrative Approval**. Rose seconded the motion. The motion carried unanimously with Fagan recused at 10:16 pm.

#### **NEW BUSINESS:**

**20 Southern Boulevard & 6 Brushy Hill Road      Regulated Activity # 755**

**GRC Property Investment & Development, LLC** Assessor's Lots#I16238,I17021

Date of Receipt: 5/9/07.

5 proposed lots, 5.2 acres, RA-20, RA-80.

First 65 Days: 7/13/07. Second 65 Days: 9/16/07. Benjamin V. Doto, III, P.E. Gallo announced at 10:17 pm that Jon Fagan is back. Gallo introduced the next and last item on the agenda. Ben Doto, PE, introduced himself stating he represents the applicant for this proposed five-lot subdivision. Doto discussed the two existing lots that make up the site, the vicinity, the castle and Tarrywile Park. The proposal is to subdivide two existing lots, and three new lots, with the large parcel being the flag lot to the rear. Doto said we understand the City of Danbury is interested in purchasing that parcel. Doto continued describing the soil scientist's findings and the topography. We did look at some alternatives, Doto said, and really there were only two. There was a previous proposed land swap some time back, to square up this parcel which would have allowed a cluster subdivision. But there were some concerns from the neighborhood. This would have had larger, more intense development impact, and that was scrapped based on input from the neighbors. There will be some grading of these two lots to establish a back yard there. All activities will be done below the wetlands, so there is no chance of any disturbance or runoff. The lot that contains the wetlands will not be built on, and we understand the City wants to buy that property. Are there any questions? AT 10:19 pm, Dan Baroody identified himself, saying we have not had a chance to review the plans, but I have a couple of questions. I know some of the Commissioners will want a cut and fill plan. I'd ask for that additional information. And time to review it, Gallo added. Baroody asked will there be septic or sewer? Doto said the site will have City sewer, and the existing driveways are very steep. We will have the garages under the houses, but there will be a net cut here, and I can provide those calculations.

Westney made a motion to **table**. Fagan seconded the motion, and the motion carried unanimously at 10:25 pm.

**APPLICATIONS FOR ADMINISTRATIVE APPROVAL:** N.A.

**ADMINISTRATIVE STAFF ACTIONS:** N.A.

**CORRESPONDENCE:**

Aquatic Pesticide Permit Application from Connecticut Pond Services to treat Tarrywile Lake for algae and duckweed.

**EIC ADMINISTRATION & FUTURE AGENDA ITEMS:**

Acceptance of Minutes for **4/25/07** (with 3 typos corrected) was voted and approved.

**ADJOURNMENT:**

Rose made a motion to adjourn. Soriano seconded the motion. The motion carried unanimously at 10:28 pm.

The next regular meeting of the DEIC is scheduled for **May 23, 2007**, at **7 pm** in Common Council Chambers.