



**CITY OF DANBURY**  
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*Environmental Impact Commission*

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**EIC MINUTES**

**June 13, 2007 - 7 pm**

**Common Council Chambers**

**ROLL CALL:** The meeting was called to order by Chairman Gallo at 7:06 pm.

Absent were Craig Westney and Alt. Mark Massoud.

Present were Chairman Bernard Gallo, Bruce R. Lees, Matthew Rose, William Mills, Jessica Soriano, Jon K. Fagan, Daniel Baroody, RS, MPH, and Secretary Patricia Lees.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Bruce R. Lees at Gallo's request.

**OLD BUSINESS:**

**Crosby Street at Padanaram Brook      Regulated Activity # 760**

**City of Danbury**, Bridge Rehabilitation      Assessor's Lots#I13042, I13045, C-CBD Zone.

Date of Receipt: 5/23/07.

Tectonic Engineering

First 65 Days: 7/27/07. Second 65 Days: 9/30/07. Bridge # 04125. Farid L. Khouri, PE, City Engineer. This item was introduced by Chairman Gallo. Farid Khouri, City Engineer, identified himself, saying that the bridge had been inspected by the City of Danbury and Tectonic, and he introduced his team tonight, including Tom Hughes. Farid Khouri described the arched structure; the intent is to replace it with stone and build it up again to Connecticut standards. It is a needed project and it will enhance the appearance. Tectonic hired a soil scientist who delineated the wetland here, which Khouri demonstrated on the easel. It will be done in two stages, the East then the West side, riprap in the channel to control erosion; sedimentation and erosion controls during construction, hay bales, siltation fence, replace small riprap in the channel. We are asking for Administrative Approval. Jessica Soriano has joined us, for the record, said Chairman Gallo. Gallo asked are there any questions from the Commissioners? Dan Baroody identified himself and said I have reviewed the basic design. The DEP will be permitting the in-stream activity. I have no problem going ahead with an Administrative Approval, Baroody said. Jon Fagan thanked the City engineer for coming and presenting this petition. Fagan made a motion to **move this to Administrative Approval**. Lees seconded the motion. The motion carried unanimously at 7:12 pm.

**CONTINUANCE OF PUBLIC HEARINGS:**

**Route #37 & Stacey Road**

**Regulated Activity # 751**

Date of Receipt: 3/28/07.

Glen Brook Estates, LLC.

First 65 Days: 6/1/07. Second 65 Days: 8/5/07. The Public Hearing opened 4/25/07. 23 single-family detached cluster dwellings. Revisions, alternates rec'd. 5/9/07. Patios & open space revisions rec'd. 5/21/07. Extension letter rec'd. 5/23. 6/7/07 Received additional mitigation, maintenance schedule, stream restoration, fence, sign, rain garden revisions. 6/11/07 Assessment report by D. Baroody. Chairman Gallo read the Legal Notice into the record for both Public Hearings at 7:13 pm. Michael Mazzucco, PE, and Keith Beaver, Landscape Architect with Didona Associates came forward. Beaver identified himself and quickly went through the relocated and changed items on the project, i.e., relocated stairs, patios, one rain garden removed, added split rail fence and no access signs, and additional mitigation indicated by this hatched area here. Jim Cowen will get into that, Beaver said. Mike Mazzucco will discuss this further also. A stream restoration and renovation area has been added. Next Michael Mazzucco, PE, identified himself at the mic. We did submit a maintenance schedule for the basins, V-tech unit, outlet, and that would become part of the homeowners association documents, and they'd be required to maintain all that. Mazzucco asked are there any questions. Gallo asked are there any questions. Jim Cowan with Environmental Planning Services in West Hartford, CT, identified himself, and said after meeting with staff, Environmental Planning Services was part of that previous stream restoration, but it was seeded as a meadow. This would involve removing the fill, and the process we've outlined, under the direction of a wetland scientist, who would dig some holes; Cowan described the proposal, so test pits location will be decided, and in addition we will install some stand pipes to monitor the ground water. As you know, Cowan said, ground water heights vary, and this will help to determine the appropriate amount of fill that needs to be removed. Then we'd work with the others to be sure its done appropriately, order the appropriate plants and seed mixes; but first we need to know what the hydrology is. After it is installed and seeded, we'd then install some coarse woody debris, which is important for amphibian wildlife, and then we would monitor it for three years. It takes at least 3 years to get a wetland established, Cowan said. Then, when the restoration is completed, it would be posted with "no access" signs. We recommend typically an annual mowing, to establish herbaceous species. In terms of riparian wetland, in the proposed development itself, we recommend a hard rake to create some openings in the soil and seed it, so it would develop into a wet meadow, and we recommend again an ion. Mills said he had some questions. How long will this process take to determine the hydrology? Jim Cowan replied probably this summer, fall, and then see it come up in the spring. I was reminded today that hydrology varies from year to year, so it is important to get it established, and to use soil indicators, which gives a good indication of where the wetland was before. It's not a perfect science. To get a general idea, in spring and early summer, we can get a level on that high ground water, Cowan said. Mills explained why he's asking this, and what he thinks would be an ideal time. Cowan explained the risk of doing it before knowing the hydrology, is that it may fail if the hydrology is incorrect. It is much easier to reestablish a wetland when we know the hydrology first. New tools are now available to use to make it faster, but we've moved beyond that window now, Cowan explained. Looking at the wetland soil profile, the hydrology was altered in the channels that flow around either side. That could have dropped the water tables, and Cowan discussed this. Mills asked him, you anticipate at least a year? Cowan replied I would consult with colleague Michael Klein and town staff first. Especially if we have a particularly wet year. The water table is still high. We can look at precipitation patterns on line. But there's always a risk when you don't have the hydrology right, Cowan said. Gallo asked are there any further questions? Dan Baroody took the mic, identified himself, and said I want to put into the record my impact report (dated 6/11/07). The applicant has addressed all

our concerns, met standards for the City, and the main feature in our opinion is the mitigation, which amounts to a ten to one ratio. That's an excellent mitigation ratio, Baroody said. Mills asked about the 80% survival rate for two years; can we make it three years? Gallo asked if the Commissioners had any further questions. Gallo said are there any members of the audience who wished to speak?

Paul McAllister came to the mic and said I live at Mable Avenue in Jeanette Heights, on the east side of where this is proposed to be built. He went to the easel at Matt Rose's encouragement. I'm basically speaking against this issue, McAllister said. The Amber Room was built in a cow pasture. My family has been in this area for over 100 years. It was basically a swamp for over 100 years. I've seen that area with at least two feet of water in it at least four times. During the last floods in April, Covered Bridge had some major problems. It's got to go downstream; what safeguards are in place for that, and what safeguards do the residents have, aside from building it on stilts. I found that they had changed the watercourse without authorization, McAllister said. He says he's going to bring it back, but I doubt it. This is the cause of major flooding problems for people downstream, McAllister concluded. Gallo asked is there any one else who wishes to speak. Jim Cowen asked could I respond to that? Cowan identified himself again. By removing fill in the wetland, we will be increasing the flood storage capacity. So that would only be a good thing, and this whole area is bound by the present watercourse on this side, and there's watercourses on both sides. You're increasing your flood storage proportionately. Mike Mazzucco reminded all that they had increased the capacity of those rain gardens. So it is a benefit. The applicant could not make it tonight, but he did ask the Commission to close the Public Hearing and to act on this application. Lees asked is Dan's assessment report complete? Dan Baroody said staff recommends that you close the Public Hearing. Lees made a motion to close the Public Hearing. Soriano seconded the motion. There being no remarks, the motion carried unanimously at 7:35 pm. Gallo said the Public Hearing is closed. Lees made a motion to approve this summary ruling with eight conditions, amending one condition to a three year period for the survival of wetland plantings. Lees said make it nine conditions. Lees restated his motion to **approve** with **nine** conditions of approval. Jon Fagan seconded the motion. The motion carried unanimously at 10:25 pm.)

**Padanaram Road**

**Regulated Activity # 749**

**Cotswold of Danbury, LLC**

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

Date of Receipt: 3/14/07.

29 SF cluster residences, Tighe & Bond.

First 65 Days: 5/18/07. Second 65 Days: 7/22/07. Public Hearing opened 5/9/07. Surveying Associates, P.C. 74.15 acres. Earthworks plans rec'd. 5/9/07. Two reports from Steven Danzer, Ph.D. rec'd. 5/22/07. Extension letter rec'd. 5/23/07. Site walk by Baroody, Soriano, Gallo on 6/7/07. Jon Fagan will have to recuse himself. I checked with Corporation Council, Chairman Gallo announced, and if we were to incorporate all the previous tapes and submittals and documents, we would have to each review about 12 hours of tapes. Mills said I just wonder, if we exclude the first application (EIC **587**), and just include the second (EIC **620**) application. Gallo asked Secretary Lee how many hours for that? Lee replied at least 6 hours, maybe more. Rose interjected unless you were already present. Mills said thank you, Mr. Chairman. Gallo asked what do the Commissioners wish to do? Lees said who says it is necessary that we incorporate those previous application tapes and documents? Chairman Gallo said, as far as I'm concerned, no one. If no one has any objections, I'd say we do not incorporate the two previous applications. Fine, thank you, we will continue with the Public Hearing, Gallo said. Atty. Paul N. Jaber of 148 Deer Hill Avenue identified himself and his firm, representing Cotswold

of Danbury, LLC, and I'd like to comment on what you just said. If there's something in particular, Jaber said, you just go get it and add it in. We indicated at the last meeting that we would come in with a revised proposal for the south portion of the site. We also got Steve Danzer's report. It was raised that we failed to respond to questions previously raised. From our point of view, we did respond and I think addressed it very clearly, Jaber said. Secondly, we will respond to Dr. Danzer's report in the following manner: each of our professionals will respond, and responses will be directed to the south end of the site only, this 54 acres of land; the revised portion (19 and 54 acres). We're just dealing with responding to this portion, and Jaber explained how it would take less time with just this 54 acres of land. There will be 5 separate reports, Jaber said, and he listed his presentors, plus Sean Hayden, CSS, of the Northwest Conservation District. You'd requested us to hire him during the last application. So we hired him now; he has walked the site numerous times, and he will respond at be here at the next meeting, Jaber said. We already have soil scientist Henry Moeller. This is our second soil scientist. The second new one is Mr. Russ Slayback, a well known hydrologist in CT. Russ has also visited the site on numerous occasions, and will have a report at the next meeting. Jaber spelled Slayback, his name for Secretary Lee. I will put these handouts together at next meeting so you'll have 5 reports, and you can throw these away. Joe Canas will speak. Ron Abrams will speak on ecology, and Matt Popp will speak on the wet meadows. Matt is at another meeting and is on his way here, Jaber explained. Let me speak briefly about the alternative. We are only proposing the south 54 acres, as Jaber reiterated. We will focus on the "D" alternative. Joe Canas will review the others with you, but they drew him to Alternative D. He will go over this in more detail than me. All is outside of the regulated area. 29 homes are proposed. The current property shows structures, foundations, remnants of foundations, and there are 19 of them. 17 of them are virtually where we propose them. Two others are down in this brook area, Jaber said. This also includes remnants of the broken up pavement that was the road, and a drainage ditch with inlets, overflowing now or discharging without outlets, Jaber explained using the plan on the easel. Mills said it was discussed earlier, we raised a question at the last meeting; you said that all commissioners would have to listen to all the old tapes, so we decided not too. But you submit these documents, Mill said. Jaber replied I am giving you those documents to show you that we did respond and submitted all the material. It's not intended for you to look into those documents. We did respond before, Jaber repeated, and this is what we gave you. Mills said then would you withdraw this submittal? Gallo said let me just say here, I believe that this is just saying to us that you did respond. Jaber agreed with Gallo. I just gave you the letter that we sent to Mr. Chianese, and I want the record to show that, Jaber said. (Tape 1 flipped to side B). Jaber and Mills discussed the issue of the previous applications. That's clearly on the record that I had stated. Gallo explained how this came about. Lees had a question on Plan D: is that the current proposal? It's not in the old rolled maps? Gallo asked are there any further questions? Who is up next? Jaber said my partner just reminded me that Dr. Danzer said we had not responded. I hope that answers your question. Mills replied yes and no. Joseph Canas, PE, identified himself and his firm, Tighe & Bond, and he announced what he intends to present tonight. We will concentrate on the southern 54 acres. Alternate A is already before you, and it is just the southern half, and Canas described what each color depicts on Option A. This has 41 units, and we started going through the alternatives. Next we looked at alternate B, Option B, 52 units. Alternate C had 48 units, that is, alternate B with elimination of the lower units down here. So we finally arrived at Alternate D, where we tried to keep all impervious surfaces out of the regulated area. You'll see the 100-foot regulated area with this line. The roadway is here, and an access roadway, per City requirement; the best way to connect to the existing sewer line, and water would also be crossing the road here. As Dr. Danzer recommended, there are less houses, and some stabilization is proposed on alternative D. We are not proposing any development on the north side of the site, compared to the current 41,000 sq.ft. disturbance (with north and

south). Canas next addressed the topic of stormwater management. My resume is included in that package from Jaber, and Canas described his work as a stormwater engineer. Canas discussed water quantity and water quality, using the plan "Watershed Above Site" on the easel. The area in this outside red line, this total area, 1,2,3 and 4, is 3.2 square miles above our site. We know it's coming from up above, and now we'll look at the site specifically. Using Figure 5 on the easel, Canas described the existing conditions watershed map. It's quite a large area. The Army Corps of Engineers created a representation which we apply here. Canas described all the elements that they looked at: ground cover, time, concentration, slopes, how long it takes for the entire area to contribute to the outlet point. What type of flow? What kind of ground cover? This information is put into the model, we analyze conditions for the different years storm events, and we then have to recalculate those curve numbers. This watershed maps represents the entire site, and we calculate and run the models again. Although we do have additional impervious surfaces, essentially it takes much more time for all the water to collect in that area; by that time the stormwater is well out and along to the system. Canas discussed the purpose of detention times, peaking situations, exacerbating flooding conditions. 122 acres west of the site are draining through our site. It's wet. Canas described what currently happens to water drainage at this site. The City recognizes the problems with the current situation, and came to an impasse of responsibility and funding for the project. Canas discussed the retaining walls, swales to intercept water, redirection of water around the development, slow down the velocity, disburse the flow, lower the velocity, the filter berms intercept sediments, and accommodate the upstream drainage and their design. Now I will discuss the stormwater quality, Canas said at 8:10 pm. He described the unmanaged and untreated stormwater dumping currently on the site; and summarized how the stormwater treatment processes proposed will improve this. These are tried and true; there's no moving parts, Canas said. He described the stormwater treatment train ending with a level spreader, providing much more treatment. He showed on the easel the stormwater BMP's chart for Cotswold. Addressing specifically the wet meadow, Canas said which Danzer had taken issue with; Canas talked about how it does have benefits for the stormwater treatment train. Canas discussed the grading, with the cut and fill map for alternative D; we will submit 14 copies in color, grade out to catch the slope, more disturbance, retaining walls, double wall proposed which looks much better. Retaining walls are recognized by the CT Dept. of Environmental Protection, and I will submit a copy of that, Canas said. Finally, a last comment about retaining walls; they are reviewed by the City building department. Lastly Canas addressed the work impact on existing septic systems, the closest being at unit 14. That's the cut line. That gives us a separation distance of 58 feet, Canas said. So that wraps up my presentation. Mills had a question about blasting: how much do you anticipate? Will the houses be on slabs or have full basements in Plan D? Canas replied I believe it's plan 8A looking at the boring, but in the event that we do have to blast, we have a sampled blast monitoring and procedure. So we don't have an estimate of the tonnage. All units on the west side of the road will be on slabs. All on the east side will have basements. Less asked when will you submit the 14 copies? Canas said maybe this next week. Jaber suggested Canas mail the new folded plans directly to each Commissioner. Next he introduced Dr. Ron Abrams of Dru Associates, who said thank you for hearing me again. The project as proposed that is working on an area that's already developed which Abrams enumerated. Every thing is disturbance vegetation, second and third growth; plants that have the best advantage on the worst conditions. Abrams discussed the havoc created by the untreated water running down, and he distributed photos taken on the site, right smack in the middle of this proposed development area. And if you look at the second photo, you might recognize my friend: the road sand, the road bed gravel. In fact, Dan Baroody discussed this in the field, Abrams said, washing down to the Padanaram Brook, as these photos show you. It's an adverse impact created by uncontrolled stormwater. Most of the organic nutrients are dissolved, because they are biologically available, they wash

away on steep slopes, and there is no mother nature that will fix this hillside. That scientifically is false. It's ludicrous. It won't work, Abrams continued. Only proactive management will control the velocity and the volumes; only that will correct that. We owe it to the land to fix it. The only way to get it done is by private funding. What's more, they give money to communities to help this happen. It's necessary from an ecology point of view, Abrams said. Restore them into a soil bed, and it will increase significantly with these measures. It will not increase significantly if left to Mother Nature. I've been doing it for 21 years. Abrams said it's a hands-on approach, and it just does not happen. If you want to protect the brook, and also this whole valley, get the investment in controlling the stormwater, and protect your marsh. It's that simple. I will not be available at next meeting, so are there any questions, Abrams asked. Lees had a question on an area depicted in a photograph. And about the said; how will that effect the stormwater treatment up on top? Abrams said there's a series of measures that intercept and hold the materials; there a budget for going in and fixing it. The photos show an uncontrolled and unmanaged slope. Chairman Gallo said "next batter". Abrams asked would the Commission like to keep the sample material? Matt Popp: introduced himself and his firm, saying I have visited site 15 times over the last four years in every season, and he did an item-by-item discussion of Dr. Danzer's report, refuting and explaining his interpretation of the pools, water, habitat, marsh, decoy pool, losing the animal population in a dry spell when there is no ponding. Popp discussed the vernal pools and disturbed sites. Popp discussed a disturbed site, plant diversity, and items 29, 33, 34, 37, 43, 46, 47, in Danzer's report. We don't have a detention basin; we have a water quality basin. It's an area that is degraded. The deer have eaten the understory, and Popp discussed the birds on the site. I contacted the DEP and there are no species of special concern on the site or in the vicinity. Popp discussed big difference between a Goshawk and a marsh hawk. Popp discussed the gully size, and he said he saw only an occasional chipmunk or squirrel. ck into the ground. Popp discussed a breeding area versus a stopover point. Popp asked if there were any questions at 8:35 pm. Mills said, Mr. Popp, how are you? I'll ask questions that I think are intelligent. Mills said you addressed some items of Dr. Danzer, and you skipped over his items 25,26 and 27, along with 29 and 30. Popp said that's going to be covered by Sean Hayden. I went out there and these were dry. Atty. Jaber clarified, for the record, the location of the vernal pools, and confirmed that the decoy pools are more than 100 feet from any of our improvements on this new plan. Gallo said we have ten more minutes. Jaber said to Bill Mills those questions will be answered by Mr. Slayback and Mr. Hayden. Mills asked has applicant considered the north portion as open space. Jaber replied I don't know what will happen to it. No, it won't be open space, we will not agree to it, Jaber said. Something good will come of it. Dan Baroody took the mic and said none of this material was received by staff until tonight. Gallo asked is there any members of the Public who wish to address any of this at 8:39 pm.

Laura O'Brian, at 37 East Gate Road, identified herself saying I am uphill of the project. I'd like to start out by passing out a newspaper article from The News times which appeared 6/2/07, and she read from this article about the battles over controlling sprawl. (Tape 2, side A installed). Laura continued discussing development, sources of pollution, death by 100,000 cuts, detriments to watersheds, declines in amphibian population, Harbor Watch and River Watch 2006 studies of bacterial levels, more phosphorous, and therefore Norwalk Harbor is filled with bacteria. O'Brian talked about the preservation of the Saugatuck Reservation area and why it's well preserved. Next O'Brian passed out a letter, basically addressing the same subject. The letter is by Jean Brock, an elderly friend of mine who could not be here tonight, stating "...it should not be built upon". Laura continued to discuss the understanding of the flow of the brook into the Still River. City should not allow development that might pollute the Still River. If the two prior applications are not entered into the record, I agree that you are getting only a portion of the information, and your assessment will be incomplete. The detail of these data change year to year. O

Brian said we had a major change this year because uphill of us there has been development with large homes (Damia), so that area has been deforested, so the data has changed. What are the provisions for homeowner maintenance? Will there be bylaws? Who will remove that gritty road sand as it comes down the hill into the new development? Who will remove that? Who will maintain that? A three foot retaining wall will not stop that water; a lot of water, O'Brian said. I know that from personal experience at my home. O'Brian discussed how she maintains the ditches at her own property. Another question I have, in past applications, they said a fire or emergency access road will be required, using the plan on the easel. There's a one way street coming down from Danbury High School, so there would be a significant population all relying on one fire access. Will City require a second fire access road, having that many people at the end of a one-way entrance? They've split the application into two sections. We have a beautiful forest here, a lot of wildlife; this development will chop the area in half, and it will be difficult for wildlife and their habitat to survive. Please don't do it, O'Brian concluded. Thank you. (Applause)

Joel Lemoncelli identified himself and his address at 25 East Gate Road. Lemoncelli said please allow me to make some comments this evening. I've spoken before and I wish to reiterate my objections to this plan. My concerns are environmental in nature, about the septic systems that lie west of this property. Mr. Canas briefly flew by the impact on the septic systems. I wonder about the comments that were later made about the water flows, the retaining walls, the water level on the properties west of that, and their septic capacities and functions. Those concerns are still very much in my mind, a longterm residual problem, even though fewer homes are proposed in plan D. I urge you to look into this longterm effect.

Kenneth Gucker, of 89 Padanaram Road, identified himself, saying I wish I was happy to see you guys again. I don't know where to start. I was calming down a little bit. First thing: the previous applications; Danzer said that items have not been addressed. Tree cuts: I'm sad to be hearing that you will not be reviewing those two previous applications. There are some people who cannot donate an evening every two weeks. In my former career, I used to get paid to do what these gentlemen do. Anything works on paper, Gucker said. There are ways of placing certain items in certain places, but in reality, they do not work. Again, Stetson Place, remember what was promised when that was proposed. Everytime it rains, Padanaram is under water. I have not had a chance to review the new plans yet, Gucker said. He discussed the tree lines that were supposed to be left at Stetson Place. Gallo said, Ken, back to this project. Gucker continued, on this project, we are again taking the water from the top, collecting it, and bringing it to the bottom. You're piping the water around the project. A heavy flow will overwhelm the system. It will not take care of the problem; water is not stopped, it's just moved about, Gucker said. He discussed what is there, and the promise that what they are doing is going to be better; it's not going to work. Now we are breaking this project up. Well, when are we going to discuss the other piece of this project, Gucker asked. Are they going to slowly spoon feed this project until it's back up to its previous size? I would like to have some answers on the whole aspect of this project. Secondly, I would like to know all the answers to questions that previous Commission members have asked, that is, tree cuts, clearing all this out. As I said, I will spend the time at Town Hall; I will listen to the tapes, and I will present that myself at upcoming meetings. Sean Hayden called this the last wildlife corridor left in the City of Danbury. So I implore you to think about this. Thank you, Gucker said, (applause) at 9:04 pm.

Tom Pura of 43 East Gate Road, signed in next saying I've been here before, and I'm getting tired. There are 22 storm drains on Padanaram that drain directly on all of these places right here. That's not going to be captured. It was the way the City, 40 yrs. ago, allowed the water to drain at this site. You guys should take a look at that. You have

another 18 on East Gate Road, Pura said. They cut the top off of Clapboard Ridge Road with those new expensive houses. I too am very disappointed that the Commission has decided not to include the two previous applications. Pura continued, I've been here over three years. Ken's going to go read this stuff and I'm going to be right beside him. We worked hard. We don't want this project. We had over 300 signatures. People are here with this project, and you didn't accept good, good stuff. Do yourself a favor and look at that stuff, Pura urged. Hey, they have their hired guns. Dr. Danzer's the only one looking out for the citizens of Danbury. Jim Nordren; why don't you guys go get some money and hire this guy. Or go get somebody that doesn't listen to Danzer, and hear what they have to say. Pura said you need to have them present material the day of, the day before, the meeting. We've had some real good dialogue from the neighbors, and I ask you to heed that and vote this project down. Thank you, Pura said, at 9:10 pm.

Jon Hsu, of 35 East Gate Road, identified himself and said I'll sign in. I want to give some comments based on my personal experience. I've worked 21 years for Schlumberger, a lot with rocks and technical stuff, models and designs, but I also have a lot of knowledge about its limitations. Hsu discussed the retaining wall: the model is very well established, particularly the friction of granular materials that made up this hill and mountain, and that allowed our houses to stay where they are. That is why you see mudslides, to gain the usage of hillsides. I grew up in Thailand, Hsu said. You can see these big huge boulders come down. That's part of earth; once the ground is saturated, they all flow. So we're talking about today, it's clearly global warning, so what I learned from the experts, the average longterm change is small & benign; that a tremendous amount of rain water in a short amount of time. Hsu mentioned Katrina. There is a certain amount of risk, certainly, and who is carrying the risk? You committee members are going to make a decision. A good project must balance the risk and benefit. Who takes the benefit? I can only see one place. So I'm asking you to give your serious consideration for longterm effects. I remember one tornado that swept through Florida. Modeling and design has its own limitations, Hsu concluded at 9:15 pm.

Chairman Gallo asked is there anyone else who wishes to speak? Lees said, to Mr. Baroody, who does check these calculations? I know how burdened your department is. Baroody replied myself and Dr. Danzer; we are your experts, and we need more time than tonight. Lees asked can we ask for a tree cutting plan for Alternative D in a timely manner so all can review it? Jaber asked you mean a report of disturbance? Lees explained the type of plan he'd like. Joe Canas said I can certainly give you an area of disturbance map, but I'll talk to Matt Popp on the number of trees. Jaber said we have to deal with wetlands here. Matt Popp re-identified himself saying we can maybe quantify the trees; it probably takes a week to get the plan, go out there and mark them, but you'll get an idea of the number. Baroody identified himself again stating I want to pass on one observation we had on our field walk: there are very few wetland flags left in the field. We request it be field flagged again. Atty. Jaber said everything takes a lot of time, so if we can limit the flagging to here, with no wetlands nearby, is that alright there? Gallo added out there I think we saw one flag. Jaber asked who's going to do that? Canas and Walsh, Lees and Jaber talked about what is being asked, and to try to get it done. Gallo asked is there anything further? Mills made a motion to **continue the Public Hearing**. Lees seconded the motion, and the motion carried unanimously at 9:21 pm. We'll take a five minute recess, Gallo announced.

**OLD BUSINESS CONTINUED:**

**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. Revision rec'd. 5/9/07. **Extension letter** rec'd 5/23/07. Recommendations from Danzer rec'd. 5/22/07. Alternate plans received 6/8/07, & copies to S. Danzer 6/12/07. Gallo called the meeting back to order at 9:31 pm and introduced item #743. Jon Fagan said, for the record, I've returned. Mark Kornhaas, PE, identified himself at mic, saying Mr. Marcus still may make it. I know Dainius (Virbickas) was at the last meeting. And there was a letter issued by Dr. Danzer, Kornhaas said. We have now put a free-span bridge there; it's a 40 foot span. It will be impacted right over here because of the grading. And that is what we're presenting as an alternate, after looking through Mr. Danzer's comments. I think we've demonstrated that we've reduced that. We had an assessment done 4/2/07 of Kissen Brook that said basically it's a conveyance to convey water. I know Mr. Marcus would say he really needs to have the Commission approve this, Kornhaas said. So when he goes to develop this, he will be coming in with plans and you will have time to review them. This plan also provides floodplain storage mitigation. We felt it necessary to bring this up, Kornhaas said. Mills interjected, just a question: we discussed 77 parking spaces, and we had to bring that area up with fill. Mills discussed the height of the proposed retaining wall, and this possible use. How high will crushed stone be for the cul de sac, Mills asked. Mark Kornhaas replied yes, there will be some fill associated with the buttresses, and he discussed the abbreviated cul de sac, and the requirements to make that a parking area. The gravel on the other side is basically just a surface. Just something you could turn a vehicle around on, Kornhaas said. Gallo asked are there any other questions. Dan Baroody said I ask that this be tabled to hear from the airport's engineers and from Dr. Danzer. Lees suggested ask for a cross section. Kornhaas said sure. Lees made a motion to **table**. Mills seconded the motion, and it 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. Additional information rec'd. 5/8/07. **Extension letter** received. Revisions rec'd. 5/18/07. Comments from Danzer rec'd. 5/22/07. 6/5/07 Letter rec'd. from D. Null, Engineer, and R3 revisions. Revisions sent to Danzer 6/11/07. Impact report by Baroody 6/13/07. Chairman Gallo introduced this application at 9:38 pm, and Elio Ferreira signed in. (Tape 2 flipped to side B). Elio Ferreira said good evening. I hope our problems are not as bad as the ones I've heard. God! He exclaimed. Ferreira discussed what he has addressed so far: this is our engineering plan, which has now been approved by the Engineering Department. I'd like to emphasize two points: it's been approved by the Engineering Department, and what I believes the proposal will accomplish. I'm just trying to take this water and just move it to the easement where it belongs, and build a single-family house. This is a man made condition. If I had a house here before, the City would agree that they would not just walk away without addressing it. The conclusion here is clear. It's not naturally there. The water is directed right into my lot, Ferreira said. I provide another photograph that shows the water directed right into my property. To prove a point, once the pipe is relocated, the water will not exist. Ferreira described his experiment of blocking the pipe this past weekend. It appears that, when I look at Moeller's report, and he then read from Moeller's report. The lot will support a single-family residence. It appears we have a sticky point here. This is artificially

man made runoff; therefore there's no loss of a natural watercourse. There is no swampy land, there's no biological ecosystem, there's no standing water, this is water that runs wild. I would like to make some comments about Dan Baroody's report sent out today. I am 100% confident that you will make the correct decision. I am disappointed in this report, Ferreira said. I described my experiment about blocking the pipe; the water stops. Ferreira then refuted Dan Baroody's report paragraph by paragraph, saying what am I supposed to do? I'm creating no erosion. I'm saving the trees. Look at the repercussions: if nothing is done over there, I will be in deep trouble. If a kid falls in there, I will be in deep trouble. This report offers no solutions, Ferreira said. What can be done with this property? I will be left with a big hole that I will be liable for. He discussed his neighbors' situations. This is not stationery; it's getting bigger and bigger. I visit the people above on Clapboard Ridge; they have exactly the same situation that I have here. I urge you to vote yes. This is a win-win case, Ferreira continued. Environmentally speaking, instead of having a gully sometimes used as a dump site, I will improve it. Again, Mr. Baroody's report, and Mr. Danzer's report states why can't the applicant use the existing channel? Ferreira discussed why he cannot do that, as with the same situation up on Clapboard Ridge. Mr. Dan Baroody is questioning that we are losing wetlands. In Mr. Danzer's report referring to the pipe, what's the concern with these wetlands? I think this is discrimination. This is a very serious business, Ferreira complained. I have a problem over there, and it's getting worse. This is a liability. If a kid falls in there, what am I supposed to do? Will Baroody be responsible? I again ask the commission to approve this proposal, and he reiterated the problem. I need to have this problem resolved. Ask me or Ralph Gallagher any questions you may have, Ferreira said. Gallo said I'd like to make a statement: I don't believe Mr. Baroody is playing any games with you. Ferreira said again, this is very important. This hole is getting deeper. The banks of this trench cannot sustain, and it gets deeper and wider. If this were wetlands, I would be the first one to march out of here. He reiterated his concerns again. How am I going to create something over there? Jon Fagan said I don't have any questions for Mr. Ferreira, but I just want to hear from Dan. Ralph Gallagher identified himself at the microphone, stating Mr. Ferreira basically said everything. Gallagher discussed his revised plan 06067-R3, affirming "the pipe's not going to fail". He discussed where the pipe belongs, where the easement is. This was a manmade situation. The water was just chosen to be

y. Mr. Moeller told me that when water erodes deeply it winds up being thrown in the category of wetlands. It's a simple matter of putting the water where it's supposed to be. I can't stress enough how dangerous it is. You take one step off the blacktop: this is a matter of public health, safety and welfare. This is not something that should be tabled. This should be done right away. The City is going to have to do this, or Mr. Ferreira will have to do this, Gallagher concluded. Are there any questions? Fagan said I have one question: I don't have Danzer's report in front of me. I believe Dan's first statement is that he agrees with Mr. Moeller's comments. Rose said what about off-site mitigation? Baroody said none was offered. Rose asked Dan Baroody, is there any place you can think of? Baroody said off site mitigation, we'd have to consult with the DEP. Lees asked is it mandatory? Baroody explained if the Commission approves the filling of a wetland, then you can ask for mitigation. Lees said so it's not mandatory. Fagan said, Mr. Mills, did you have a comment? Mills said the applicant relies on the letter from Engineering, but the applicant did not address that. No alternatives were offered. Ralph Gallagher replied we had detailed alternatives which were discussed with Engineering, and we decided on a standard pad; you only line the existing ditch. If you armor that, that's fine. He Engineering Department made us go one step farther. Mills asked why did they put that sentence in there, in the 5/23 letter to you? Other alternatives may....and Mills

read from the letter. Fagan said the date does pre-date the changes that Mr. Gallagher made to the plan, and Fagan clarified this. The letter is probably speaking of the.... Gallagher interrupted Fagan saying we have this letter dated 5/23/07, with the wrong date. Gallo said Engineering just addressed the pipe then? Gallagher replied when it gets built, that's the way it will be built. Matt Rose made a motion to **approve with conditions**; there are no conditions here. Baroody said we can add our standard 8 conditions of approval. Lees seconded the motion. The motion carried with Mills voting in opposition. The motion carried by four, and Gallo did not vote.

**28 Hillandale 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. Michael Mazzucco, PE. 5/23/07  
Wetlands flagged and proposed house is staked. Site walk 6/8/07 by Mills, Baroody.  
Revisions rec'd. 6/11/07. Impact report by D. Baroody 6/12/07. Chairman Gallo introduced this item at 10:08 pm. Is there anyone here from Hillandale Road? Fagan said it's about 750 feet down the road. Dan Baroody identified himself and said there is an error on my report. Fagan made a motion to **table**. Rose seconded the motion, and the motion carried unanimously.

**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.

Temporary wetlands crossings permit. Crossing methods requested 5/9/07.  
**WITHDRAWAL** letter rec'd. 6/12/07. Gallo said this has been withdrawn. (Note: Application fee refunded to applicant on 6/28/07.)

**8 Casper Street**

**Regulated Activity # 658 R**

**Mannkind Corporation**

Assessor's Lot s #J14272, J14271, IL-40 Zone.

Date of Receipt: 5/23/07. Parking lot rehabilitation.

First 65 Days: 7/27/07. Second 65 Days: 9/30/07. Artel Engineering Group, LLC. Mark Kornhaas re-identified himself at the dais, saying I see a new face here. Can I go over the plan quickly? Kornhaas said basically it's a rehab of the parking lot; they use this parking for administrative offices and Research and Development. They propose another temporary trailer on the east side of the site. They intend to redo the parking lot as it's been highly disturbed. They removed a building; they remediated some soil; it's in disarray. Kornhaas described the improvements they have added to the proposal, saying you'll see it meets all the criteria. That's all included in the report. I requested at the last meeting that the Commission consider moving this to Administrative Approval; there are no wetlands on the site, but it is adjacent to the Still River, 82 feet away. We are just reorganizing the parking, the striping, the lighting; it's well protected by that big berm that was built there. Baroody said I agree with applicant that we can handle this with an Administrative Approval. Mills



**Sterling Construction Management, LLC** Assessor's Lot #I08003, RA-40 Zone.

Date of Receipt: 2/14/07. George T. Kendall, 3 residential lots, private road. Grading for sewer installation.

**90 Federal Road**

**Regulated Activity # 747**

**Eugene Lois/ Durant's**

Assessor's Lot #K11109, CG-20 Zone.

Date of Receipt: 3/14/07.

Warehouse building / improvements. CCA, LLC.

**94-102 Newtown Road**

**Regulated Activity # 745**

**Danbury – Newtown, LLC**

Assessor's Lot # M11002, CL-10 Zone.

Date of Receipt: 3/14/07.

Starbucks Coffee drive-thru / walk-in.

Ben Doto, P.E., 9.46 ac. Moved to Administrative Approval 4/11/07.

### **CORRESPONDENCE:**

Ridgewood Country Club, 119 Franklin Street, General Permit for Diversion of Water.

Contractors, Engineers, Agents, Applicants: please **take note**.

State DEP now wants the revised Statewide Inland Wetlands and Watercourses Activity Reporting Forms on **yellow** paper. (They were formerly green). These are included in our standard Application for Regulated Activity and Application for Administrative Approval packets.

**ACCEPTANCE OF MINUTES:** May 23, 2007 Meeting. Motion to accept the minutes as presented by Mills. Second by Lees. The motion carried unanimously.

Mills asked Dan Baroody to call Miller and Coffey about completing their violations. Bill Mills said the banks around Shurgard Storage are all fallen down, as have the fences.

Dan Baroody said the building official (Ayotte) has them pretty much shut down. What the cure is, I understand, is a big retaining wall, and that all has to be engineered. Rose said, since a retaining wall was not part of the original application, don't they have to come back in? Baroody said yes; I talked to one of the neighbors up there, who called it a watercourse that was cut off.

Chairman Gallo remarked, when voting, sometimes I hear one motion and a lot of whispers.

### **ADJOURNMENT:**

Motion to adjourn by Mills. Second by Rose. The motion carried unanimously at 10:32 pm.

The next regular meeting of the DEIC is scheduled for **6/27/07** at **7 pm** in Common Council Chambers.

