



CITY OF DANBURY
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Environmental Impact Commission

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MINUTES

August 8, 2007

Common Council Chambers - 7 pm

Chairman Bernard Gallo called the meeting to order at 7:03 pm.

Present were Gallo, Bruce R. Lees, Matthew Rose, Jon K. Fagan, Jessica Soriano, Bill Mills, Alt. Mark Massoud.

Staff present: Daniel Baroody, RS, MPH, Secretary Patricia Lee.

Absent were Craig Westney, Alt. Kurt Webber, Alt. Brian Davis (Resigned).

PLEDGE OF ALLEGIANCE: Led by Matt Rose at Chairman Gallo's request.

CONTINUANCE OF PUBLIC HEARINGS:

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. Public Hearing opened 5/9/07, and must close by 8/17/07. Surveying Associates, P.C. 74.15 acres. Public Hearing opened 5/9/07. **Extension letter** rec'd. 5/23/07. Site walk on 6/7/07. Revisions rec'd. 6/18/07. Letters from S. Hayden rec'd. 6/25/07 & 7/9/07. Site staked & flagged 7/9/07. Clarifications rec'd. 7/24/07. Maintenance requirements & Alt. D mitigation plan rec'd. 8/6/07. Assessment report by Baroody 8/6/07. Alt.D Conserved Land Area Map & Survey Map rec'd. 8/7/07. Mitigation measures for Alt.D rec'd 8/8/07. Fagan recused himself as Chairman Gallo introduced this application. Tom Beecher, Attorney at Law, from Collins, Hannafin, Garamella, Jaber & Tuozzolo, P.C., identified himself at the mic, stating that Joe Canas and Paul Fagan and Paul N. Jaber are on vacation. Beecher listed what has been submitted since the last meeting, weep wall plan, stormwater system maintenance detail to be followed by Homeowners Association, Matt Popp's mitigation chart for Alt. D plan, plus a survey map showing permanently conserved 21 acres, about 40% of the site, which is on the easel over here. Beecher showed where the area lies on the plan. The property that we own, originally, actually is two separate parcels: 54 +/- acres, and balance 74.15 acres is the north piece no longer before you. Accordingly the entire strip, 21 acres, is the conserved land area. Submitted copy of the deed submitted by Beecher to pml. I want to be sure everyone understood, Beecher said. Our focus is now plan Alt. D with the weep wall. In attendance we have Mr. Slayback, Dr. Abrams, John Block and Sean Hayden and Matt Popp. Matt Popp took the mic at 7:13 pm, and identified himself and his firm, Environmental Land Solutions, LLC. Popp referred to his chart which is in the commissioners' packets, which

lists the impacts to the wetlands, watercourses, and drainage ways. He ran through those starting at the bottom with the impacts. First: along the utility road drainage way, a wetland. Second: the drainage channels, 150 ft. length by 3 ft. width drainage channels A, B, C and D, and Popp listed the square footage disturbance of each channel. The top of the chart lists the measures in our Alt. D plan. The first measure is removing two house foundations actually on the parcel; just some old foundations. The second measure is restoring the uplands above to the west, and replant, and I did prepare a planting plan, which I think you all have, and Popp listed the tree varieties, understory trees; about 150 shrubs. The deer end up eating the shrubs. The third measure is removing a small pipe within the wetland area located approximately here. The fourth measure is the weep wall, about 1800 square feet. The fifth is stabilizing the drainage channel B. The sixth is west of Unit 7, a new drainage channel upslope of that. The seventh is west of Unit 1; stabilizing that channel over here, and then we have that rain garden. I totaled them up, and Popp listed the square footage of the total enhanced area. That's the summary of the mitigation measures, Popp said, and he offered further details. Popp asked are there any questions?

Bill Mills asked are you going to restore anything there where you take those foundations out? Matt Popp said they are right here; that could be, maybe add trees, and take foundations out by hand, and grade it gently.

Lees said if I read this chart correctly, what is your true mitigation? Things that you are doing "above and beyond". A lot of what you are doing is required; I want to know about enhancements, what you're doing beyond requirements. Popp replied that is definitely going up and beyond what we are required to do. Popp described what is above and beyond at the easel. Lees asked what is the reason it is not needed? This muddles those figures, I think, Lees said.

Chairman Gallo said let the record show that Jessica Soriano is here now at 7:23 pm. Popp continued I was asked not to include that, without mentioning names but pointing to Bill Mills. Beecher came back to the mic and clarified the drainage ways, discussing are they really wetlands and watercourses. Lees said I'm looking at the balance sheet. Beecher said, plus the wetland basin down below. Look at all of this on the grand scheme; they are scoured; they really have no value; what you will have far outweighs what exists. Popp said, Mr. Lees, I have one more point: Popp clarified what's stated on his chart. Lees replied that is something you would have to do no matter what. Popp said we could have handled it a different way. Lees said you want to do what's best for the community; you're environmentally minded.

John Block, Senior Vice President of Tighe & Bond identified himself, speaking tonight since Joe Canas is on vacation, and he asked me to go over some items; the drainage way, the weep wall, drainage way B, inclusion of a berm that would back up water, pond it, all discharging into that catch basin, into this weep wall system. On thing, Bruce, we're required to make sure that we have a stable channel in our disturbed area, Block said. Block explained what we are doing with this weep wall system, removing pollutants from the west. On the drainage way B, there will be a check dam, so it flows into a catch basin, then discharges into this weep wall system. It will be 60% sandy material with a filter fabric wrapped around it, and Block described the water train. Higher intense storms then would overflow the check dam. It does remove pollutants, provides ground water recharge, a continuous flow of water to the wetlands; this cascading effect, responds to one of Mr. Danzer's concerns, groundwater recharge.

Bruce Lees said some one testified about the whole project, that area no longer being developed; what is going to be done?

Beecher replied we're not proposing anything over on the north side.

Lees said I did not do the site walk that far out. Could you do some type of mitigation over there? What are we referring to that now?

Don Walsh signed in at 7:30 pm, and identified himself for the record. This site to the north,

this entire other parcel, was left out completely. I almost discontinued this entire application; look in your engineering packets "I" , I think. I was told by the City that no studies had been done. That information turned out to be totally wrong, Walsh said. I hired the former City Engineer, William Buckley, Jr. When Mr. Buckley came in, he provided me with the dates of that study, which predated Dan, Jack and probably Scott LeRoy. The City wanted the State to pay to improve it. The State wanted the City to improve it. There's a ton of data. I've been in this business many years, and I've never pulled a site before. I can't do that within your time frame, Walsh said. We were given this literally just before we submitted this project. They studied it for about 3 years, how it affects the reservoir; how it affects the culverts. The City Engineering Department has a totally other opinion. Something's going to be done, but I need that data, in the northern end of the site. We paid the City for that, don't forget, Walsh continued. It may be that it's a decision that will never be made. I'm leaving that completely out of this proposal. But I did not know that that report existed. It was done in 2000. Mr. Buckley gave it to me in January or February of 2007. Somebody has to look at it. It's a separate parcel completely. It was bought separately, and the study only dealt with that parcel, Walsh concluded.

Lees said I'm concerned about that parcel.

Beecher said the parcel that you're talking about, could some mitigation be done on that parcel?

Matt Popp said above, west of that, the watercourse above, that is okay. Below that, we have a detail for a stone lined channel. I think we could use that same type of detail to stabilize those channels. We just need to stabilize that, Popp said.

Don Walsh said planting would not work there; the stone would.

John Block said it's called a stone lined channel. Walsh added we would honor that plan as part of this approval. Lees said thank you.

Gallo asked are there any other questions on this?

Mark Massoud said, following up on the mitigation, what is the amount of upland review area that is disturbed with this application?

Matt Popp said I don't have that exactly, but we're 100 feet away from the watercourse, and Popp explained where most of the development is, and where the water quality basins are; maybe 15,000 sq.ft. for the water quality basins. That does not really answer your question.

Massoud said I'm thinking of the roadway; and the areas probably 27, 28 and 29.

Popp explained it's shown on this plan in red, maybe 80 feet from the wetland. It is already disturbed with an existing foundation. At unit 26 we are doing some grading maybe within 60 or 70 feet; the cul de sac is outside of it.

Gallo asked does that answer your question?

Massoud replied by and large. Okay, so it's primarily a roadway for access to utilities, actually 2 roadways.

Beecher clarified those access ways.

Massoud explained what he was getting at, in follow up to Mr. Lees' question: comparing the mitigation measures; but at any rate, the conserved land area equals 21 acres, and he asked about the donation. Could you explain a little more what the options are there?

Beecher answered Massoud saying that that would depend on what other commissions decided. We have no particular preference. Massoud and Beecher and Walsh discussed the Land Trust of Danbury, and possibly donating land in agreement with the portion the City owns. Massoud asked so that would be an outright donation?

Walsh replied an outright donation. We met just before we filed this application. This will never be developed. It will be locked up in perpetuity, with the right to go into that for utilities; just a plain easement. And this Board has already ruled on that on the Stetson Place project. That is the only connection point. We would tie into their easement, Walsh said.

Massoud had further questions about the three options for the conserved land parcel, which

he described. Beecher replied I suspect it will be only the two. There would be no reason, subject to restrictions if it goes to the Land Trust.

Massoud asked what if this agency had a preference for one option over the other?

Beecher said you could make that option known to us. Walsh answered perhaps Staff could talk to former staff, Jack Kozuchowski.

Beecher said we cannot bring in new information after tonight, so he explained how you could cover your bases in the Conservation Easement.

Mills asked a question of Attorney Beecher about the park, who showed all the shaded land here, which runs along the east section of the property; a linear park aspect, on the Conserved Land Area Map. Beecher said we don't have any further evidence to present, but I'd like to speak later tonight in summary.

Gallo said he is opening the Hearing up to the Public who will have one hour. Are there any members of the audience who wish to speak for or in opposition to this petition?

Jean Campbell, from 94 Hillandale Road, identified herself and said she has lived there since 1975. While I have to admire the builder for reducing the size of his plan, and the wonderful philanthropic proposal for a linear park, your job is to deny this plan. You can make it environmentally okay for them to build. (Tape 1 flipped to side B.) Campbell continued, think of the cars that are coming, the exhaust, the piped water, after the last backhoe has gone away. There is an increase in population that is not needed. The wildlife is going to be force again to move. It is not meant to be. It is not meant to be. The greening of Connecticut; the decision lies in your hands, to de-green this area. Here's an opportunity to show the residents that you care about them. We don't want it there. I don't know why we're still here. They can lessen their plan. It doesn't take a rocket scientist to figure that one out. Think about what it's like to be one of residents, Campbell said. The sanctuary of clean air and water. Campbell had a question about where is the sewer hookup. Can someone tell me? Is it going to the high school's? I beg you to use your common sense and deny, deny, deny this project. Thank you. (Applause at 7:56 pm)

Kenneth Gucker of 89 Padanaram Road next took the microphone. I don't know how I outdo that, Gucker said. You should all know me by now. I will try not to repeat myself. Going back to the arguments at last meeting, Mr. Gallo was not here to hear my ramblings.

Gallo said I read all about them.

Gucker resumed, the tree count, the stormwater management: I did some research and my argument bears some repetition, I think. You take a gallon at the top; you have a gallon at the bottom. So I did some research on that. I think it was Joe Canas' idea to use Maryland's Stormwater Management. I will briefly read, and I have copies for all. He read from the manual at 8 pm. The situation worsens after construction, Gucker said. Most rainfall is converted directly to runoff. As a result, the stormwater runoff affected by sediment and pollutants, clogging gravel beds where fish lay their eggs, resulting in unusual rapid algae growth. Gucker talked about the survival of aquatic life, non-point pollution, filter and discharge at a controlled rate; the amount of impervious surface, the accumulation of pollutants, de-icing materials, fertilizers, destructive to our water quality. One point here that really stands out: plants & trees will absorb 14 times the rainwater that a lawn will. I've done a power point production that I will not bore you with. Is the project better? It's smaller, yes; there's less, but we can't get an answer on the north side. The donation, that's admirable, 21 acres of wetlands; wetlands they can't touch without your approval. Somehow they are going to build a linear park in a wetland. They are going to come back here in front of you, because of their generosity. Regarding the past submittals, I know the committee decided not to include those past submittals, Gucker said. Submittals on a timely basis didn't happen. There was stuff coming in Tuesday and today. It's the same thing, Gucker said. It's the same property since 1975. Mr. Jaber stood up here and

said how long you'd have to listen to tapes, and read all the old files. Mr. Walsh just mentioned about previous deals; you would have known about it. It is fair for them to lay on the table what is pertinent for their arguments, but we are not going to use those past applications? It's not too late, but I would really like to see more thought on that area. Another problem I had noted was that the Stetson Place stormwater management plan was probably was just as great as Cotswold's. I urge you, after I give you this whole pile of stuff; we are not unreasonable; we have to live with this after the developer has to go. The whole thing resolves around profit. They bought it at a bargain. They could still reduce this project; sell some property back to the City; reduce this project in half; take a good hard look at that. We trust in your judgment. Thank you at 8:11 pm, Gucker said as he distributed several handouts.

Tom Pura of 43 East Gate Road identified himself, stating I want to thank you. I want to thank the neighbors who have been showing up meeting after meeting, Pura said. Going back to Dr. Danzer's report; I'm not an environmentalist; on page three of that report, I'll read it again, it's important to what Ken Gucker just said. "The lack of mitigation proposed..." And Pura read from Danzer's report. Whatever they dumped on us yesterday and today, I don't know if they have answered that. Units 27 and 28 are still on that map; still located on that steep slope. Pura referred again to Danzer's report saying they could be eliminated from the plan. They did not address that. There is a fellow that is missing, Pura said: Paul Schaffer from East Gate Road. And Pura read Schaffer letter, stating he is firmly opposed to the Cotswold plan. Schaffer's letter referred to various issues: 29 trees locations and the smaller trees, vital source to absorb the rainfall, concern of wildlife living there, his family very much enjoy their presence in this area, and it's why we moved to Danbury. Quality of life is important for all of us. Schaffer urged the Committee to reject the Cotswold proposal. Tom Pura said thank you for your time.

Alina Brontes next took the mic at 8:19 pm, saying she is concerned about flooding down on Padanaram Road, and with more buildings going up; our homes' values will go down. Given the restraints of the site, she read from environmental report, there is an unacceptable risk of erosion. East Lake has a serious problem, and that hill is so steep, and I truly hope you will look at that. We have to look at the environment and we have to look at the animals, Brontes concluded. (Applause at 8:20 pm).

Teresa Radachowsky from 91 Padanaram Road next came forward. I'd first like to thank each and every one of you. She related that she originally attended these meetings. Since then we have seen the application pulled many times. We have seen the applicant stone wall certain information requested by the Commission and from the public, Radachowsky said. We just got a lot of that stuff, although the Commission asked submittals be presented in a timely manner. I submit to you that the volume of the material is the very reason you should read it. You should read those two previous petitions. We will be back. We will give up our free time to fight the inappropriate development. Over the last coming up on four years now, we see more inappropriate development, and we realize that our involvement needs to be City wide. Radachowsky said the applicant stated in the hall: "I have been doing this for 20 years. I always get my project through". A developer conspires to shove this down our throats; we will fight inappropriate development. (Applause at 8:25 pm.)

Gallo asked is there anyone else who wishes to speak? Then I'll grant Mr. Beecher's request to speak.

Attorney Beecher took the mic again and discussed the history of this site being sold to developers. If the applicant decides to develop the north parcel, they will be back before this Commission. But that's not on the table tonight. Mr. Danzer is not a licensed engineer in the State of Connecticut, as Mr. Canas is. Beecher discussed adding 21 acres into the

mitigation square footage. Beecher thanked the Commissioners. The initial applications were significantly larger than this proposal, which he described. After serious consideration, we brought in some very reputable people, experts who are known State wide; we have further reduced and refined our proposal with Alt. D, the weep wall relocation plan, but that's the plan we hope you will approve. Beecher said I will skip to page 5 of Mr. Baroody's comments. We have proposed the most sophisticated means with this project; maintenance of stormwater management facilities. The project seeks only 29 homes. 17 of those 29 will be on the existing foundations, an area already totally disturbed. There will be almost no activity plan within 100 feet of the wetlands. A large part of that disturbance is needed to cross the City utilities, as Mr. Walsh pointed out. The proposal exceeds the guidelines in the CT Manual for Stormwater Management. Beecher described the ways this proposal exceeds the guidelines of that manual and the recommendations of Mr. Hayden. This will be a vast improvement over the present status of the flows going through this property; the uncontrolled drainage from East Gate Road and Clapboard Ridge, none of which was caused by my client, Beecher said. This plan will result in a major improvement to the disastrous effects of the downstream Padanaram Brook corridor. Beecher discussed Ditch B. Alternate D represents a major improvement to the plans. Danzer also endorsed the relocation of Unit 18. If this property is developed in accordance with Plan D, there will be an improvement. There is no evidence in this record of any irretrievable wetland loss. Beecher said thank you at 8:35 pm.

Dan Baroody, of the Health Department, identified himself saying I just want to place my report into the record.

Lees: Do we have all the materials that we asked for?

Baroody replied yes, we got some today, but we have them. My advice is that we really don't have time to analyze them since we just got them today.

Lees asked about the final date (8/17/07) the Public Hearing must close.

Beecher said that's a staff report; that's fine.

Baroody said I can further clarify it for it if you wish.

Mills said, just for the record, on this plan Alternate Plan D received 8/8/07, they've got Unit 18 between 17 and 19; this plan should be discarded.

Beecher explained that the purpose of that map was to show the conserved land area. Mr. Fagan is on vacation, and we wanted to get that in to you.

Massoud asked Baroody to go over the highlights of his report.

Baroody said I started out with what the plan started out as, the wetland characteristics, the wetland functional assessment; that brought us through to where we are today with Alternate D, which I talk about in Section 5. When I wrote this report, I did not have those figures from the applicant, Baroody said.

Massoud asked so those figures were just handed in today? I have a question for Mr.

Baroody, Massoud said: could you just summarize what you see as the direct and indirect impacts, please?

Baroody replied, well, it's here in my report. The direct impacts are basically construction activity and proximity of the wetlands, possible storm events and blow outs that could occur during construction. The indirect impacts (Tape 2 installed, side A) were then listed by Baroody.

Massoud further questioned what the impacts are, saying to Baroody, but you have not made any recommendations one way or the other.

Baroody answered correct.

Commissioner Lees said I've been on this Commission about 7 years now. We look at the size of lots. You reduced the size of the lots you're going to build on. I'm just making a remark: we have not seen a lesser density of houses here. And that's my final comment, Lees said.

Beecher said I'll be very brief. That's not the subject of future development. It has been

reduced from 41; now it's 29.

Massoud said I'd like to have a discussion with the Agency in terms of making a decision; who will assist the agency?

Gallo explained to Massoud where the proposal will go from here, including Corporation Counsel; the draft motions for and against this project will go to Corporation Counsel.

Baroody answered correct. Draft motions, one for and one against; we will have it scrutinized by the City's legal department before you come to vote, and you can change the draft motions too, Baroody explained.

Gallo said those draft motions will be sent to you before the meeting.

Massoud asked is Corporation Council okay with this? I bring it up because of the recent item from the CT DEP: they are not thrilled that agencies pick and choose like that, and that opens it up for more grounds for a law suit. At least bringing it up for discussion, we'll be sure Corporation Council is okay with that, Massoud said.

Baroody said, in my DEP training, I have not heard of that. But the CT Bar Association is in favor of the draft motions for and against. That was the legal training that I received, Baroody said, and also the advice I got from the City's legal department.

Mills asked we have 35 days to make a decision, is that correct?

Baroody answered correct.

Rose said in the past we have had special meetings to discuss those motions.

Massoud said that was my alternate proposal: to have a subcommittee meet and submit their recommendations at the appropriate time. I am not suggesting that we side-step Corporation Council. Just have a separate committee to review it all, Massoud suggested.

Baroody said we did have a subcommittee do that recently, and they came up with motions, and then they were reviewed by City Attorneys, and the only problem we ran in to is *time*. It can be done. We did that on one application in the last year, Baroody said.

Massoud discussed getting everything back from Corporation Council with enough time for us to review them. Baroody and Massoud further discussed the issue of time. They are only drafts, Baroody said at 8:53 pm.

Gallo added you always have the right to change it.

Rose made a motion to **close this Public Hearing**. Mills seconded the motion. The motion carried unanimously.

Lees then motioned to recess for 10 minutes.

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. B. Doto, PE. Written comments rec'd. from M. Nolan. Copies sent to S. Danzer 6/12/07. Site walk 6/21/07. Public Hearing opened 6/27/07, continued 7/11/07, 7/25/07, 8/8/07. **Extension letter** rec'd. 7/11/07. Revisions, responses rec'd. 7/20/07. Rev. utility plan rec'd. 7/28/07. Assessment report by Daniel Baroody 8/8/07.

Chairman Gallo reconvened the EIC meeting at 9:05 pm and introduced this petition.

Gary Michael, Jr., Attorney at Law, signed in, stating unfortunately Ben Doto is on vacation, but Greg Otis is here from his firm. We understood at the last meeting that all concerns had been addressed. We really do not have too much to say this evening, Michael said. Mr. Otis can answer any concerns. We ask, if the Commission sees fit, that after you close the Public Hearing, you vote on this petition. Greg Otis said I don't have anything further to add.

James Nolan from 16 Southern Blvd. signed in at 9:07 pm. I'll try not to be repetitious. We are very concerned that lot 2 becomes part of the City's land, either part of Tarrywile, or in any case in the hands of the City, and if so, we would be in favor of that, becoming part of

the City property. I've said that on a prior occasion, Nolan said. During the meetings that you have had, the two existing houses will be upgraded, cleaned up and sold. We're used to them, and that sounds good to us. The two new houses, I just wanted to add tonight, that if there has been dialog about blasting and blasting procedures, and from our perspective, and I've said this directly to Attorney Michael, we'd like to see little or no blasting at all. I wanted to get that on the record, Nolan said. As this plan continues to evolve in front of other commissions, thank you for your attention. I appreciate the opportunity, Nolan concluded.

Mary Reynolds from 15 Library Place took the mic at 9:11 pm, and identified herself and her address. I just want to say once more I would like you very much to deny this application. I'd like to ask one question: has the Tarrywile Authority offered any comments? I don't believe the late Steve Collins, the former editor of The News Times, and his family would be in favor of this development. Reynolds next discussed the impact on the animals, even domestic animals, those living on Jefferson Avenue, Southern Boulevard. Everybody should tell everybody. It should be put in the newspaper; that blasting will be devastating. I hope you too take the animals into consideration. Thank you again, Reynolds concluded.

Chairman Gallo asked if there was anyone else who wishes to speak tonight?

Daniel Baroody, RS, MPH, said I want to submit my environmental assessment report, for the record. We looked at the soil report by Henry T. Moeller, and it was reviewed by Dr. Danzer. The delineation was correct. There are no direct impacts to wetlands in this proposal, Baroody said. I got into the Alternatives. Alternate B is the most recent one, in which they scaled back the cuts, and no Regulated Activity was shown on that lot that's to be sold to the City. There is no way this Commission can lock in that sale, and I know the Chairman also checked with the legal department on that. The only thing we can do, when we go ahead with our draft motions, we can spell out in our motions that any later proposed activity on Lot 2 must come back to this Commission.

Jon Fagan is back at the meeting, Gallo announced, for the record.

Mills made a motion to close this Public Hearing. Fagan seconded the motion. The motion carried unanimously to **close the Public Hearing** at 9:16 pm.

Gallo said there won't be a decision made this evening.

OLD BUSINESS:

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.

Extension ltr. received. Offsite mitigation plan rec'd. 8/6/07. Impact report by D. Baroody 8/8/07. Chairman Gallo introduced this item. Baroody explained the proposal including the unique off site mitigation proposed on land owned by the City, the Homeless Shelter on New Street. Also, the Welfare Department that runs the shelter is now under the Health Department, and this has been reviewed by Scott LeRoy. They would rehabilitate the caved in walls, storm damage, clean out the Blind Brook, and build a small garden area, and pick up debris, and thin out some of the trees along the bank which are causing the banks to cave in. And the police would have less difficulty doing police patrol. Massoud and Baroody

discussed the tree work proposed. Baroody said I have reviewed that plan, and it will be done with supervision of the Health Department, so I will be out there. Massoud had concerns about trees species and the shade they provide. Fagan said I have one comment: I think this is absolutely what the City should be doing and it's the right place to be doing it, and I want to commend the applicant and Mr. Mazzucco. I'd like to motion to **approve** this with the 9 conditions of approval. Mills seconded the motion. Being no further remarks, the motion carried unanimously at 9:22 pm.

110 Long Ridge Road

Regulated Activity # 761

Alice J. Barnes

Assessor's Lot # J22016, RA-80 Zone.

Date of Receipt: 7/25/07. Parcel B. New SF residence, well, septic, driveway.
First 65 Days: 9/28/07. Second 65 Days: 12/2/07. M. Mazzucco, PE. 2.4 acres.
(With Michael Mazzucco on vacation, no one is here to represent the applicant.) Motion to table by Lees. Second by Mills. The motion to **table** carried unanimously, and Mills suggested a site walk again.

NEW BUSINESS:

170 Great Plain Road

Regulated Activity # 766

Gary & Keri Baldelli

Assessor's Lot # J06011, RA-20 Zone.

Date of Receipt: 8/8/07. Screened porch addition.

First 65 Days: 10/12/07. Second 65 Days: 12/16/07. Sandy Ahrstrom, with Keri Baldelli, identified herself at the mic and explained what we would like to do: build a screen porch on the back, 11 feet away from a wetland area. We will hand dig the holes for sono tubes, Sandy said. Mark Massoud had a question: what is the width of that buffer area? What is that distance? Sandy Ahrstrom replied that in 1997 they did a survey, and that is indicated on that area. Fagan said that full map should be a part of that record. Who put the porch on this plan? Ahrstrom said I did. The original map was done by Paul Fagan, she said. Fagan said it was probably done by Syd Rapp. Dan Baroody identified himself and said I met with the applicant in the office. She said there were markers already in place: four by four posts. The want to put a porch close to the buffer area, and it is not in my power to approve this administratively, Baroody said. Rose asked was there a deck there before? Massoud asked is it lawn up to the buffer area? Where abouts is this? Keri Baldelli said I'm about 10 houses back from the pizzeria. She discussed her home location with Rose and Massoud. It's before the deli. Fagan asked you were not the applicant in 1997? Keri answered no; the builder was the applicant, Andrew Lecher. Fagan said the only question I would have is the map that submitted does not fit the house that's on this map, and the proposed screened porch was drawn on by yourself. My concern is that everything is in the right location. We have to look at that, as does Staff. Ahrstrom said I do have a copy of that map. This is what we have here; she presented it before Jon Fagan at the panel. Fagan said right, that's very important, and then you're going to want to show this porch on here. I'm sure you have one. There maybe one in the building department. Lees made a motion to table this. Rose seconded the motion. The motion carried unanimously to **table** EIC #766 to 8/22/07. Gallo said to Ahrstrom, "You have to get those maps". Lees suggested a site walk. Ahrstrom said OK, I'll do a little research.

40A Payne Road

Regulated Activity # 767

MRF LLC

Assessor's Lots #M13001, M13002, IG-80 Zone.

Date of Receipt: 8/8/07.

Driveway, storage construction equipment & materials.

First 65 Days: 10/12/07. Second 65 Days: 12/16/07. David Tinker.

David Tinker identified himself at the microphone, saying Neil Marcus was going to present this but could not be here tonight. I made copies of the approved portion of the property, and I need more time for my surveyor to come out. Gallo said we will table this tonight.

Bring everything down to her. Mills made a motion to table this. Soriano seconded the motion and it carried unanimously at 9:36 pm.

Secretary Lee made a point of order: only four copies of this application were provided by the applicant.

65-67 Bear Mountain Road

Regulated Activity # 768

Candlewood Pines Cluster Subdivision Assessor's Lot # H03069, RA-80 Zone.

Date of Receipt: 8/8/07.

14 lot residential cluster subdivision, 119± acres.

First 65 Days: 10/12/07. Second 65 Days: 12/16/07. CCA, LLC. Steven Sullivan, PE, set up the plan on easel at 9:37 pm and identified himself. It's really a 14 lot subdivision proposed, not 15 lots. That's a typo. Sullivan described the vicinity and the right to access by two existing dwellings owned by someone else. Massoud asked where are those dwellings? Sullivan said there are two small dwellings, right on the lake. There's a long driveway for their access. A total of 47.5 acres is proposed as open space, some of which is adjacent to Bear Mountain Park. There's a small .3 acre parcel adjacent to the road also. Sullivan described the road with spur. (Tape 2 flipped to side B). Sullivan next described the placement of the lots and driveways and cul de sacs, and the stormwater drainage system to be maintained by a homeowners' association. Each site will be served by its own well and septic system. On the back of our project report there is an alternate as a conventional subdivision layout, showing 14 lots. It's the RA-80 Zone, and a cluster development allows us to minimize tree clearing and grading and so on, Sullivan explained. The difference would require a longer City road. There is a table that compares a cluster layout with a conventional layout in the packet. Look at that data when reviewing the reports. This property does about New Fairfield, Sullivan said, but there is no proposed activity in the New Fairfield property. The wetland corridor, this area right here, is bisected by that existing driveway. We propose a 654 sq.ft. disturbance of wetlands, but it's a small pocket wetland. Eric Davison, Soil Scientist, will be at next meeting. That little pocket is 654 sq.ft. and that's proposed to be filled. There will be just Regulated Activity in the upland area. The property is wooded with moderate to steep slopes. I'll stop now, Sullivan said.

Mills asked are wetlands flagged? Sullivan replied yes.

Lees had a question on the road going down? Sullivan said there are nine other lots that this Commission has approved over the last several years. That's an existing driveway. A portion of their access will be a City road. Lees asked how is the debris situation? Sullivan said we filed permits to the Building Department to demolish those shacks. The logging occurred. Lees said a site walk should be done.

Sullivan said I will forward this to Larry Marsicano at the Candlewood Lake Authority. The closest area to the Lake is over 500 ft. to the Lake. Lees said but you're in the watershed drainage. Sullivan said yes, we're definitely in the watershed.

Massoud asked are those 9 approved houses built? Sullivan said no; it's still vacant.

Sullivan then addressed Massoud's questions about access. Lees asked can we get a smaller scale map? Sullivan said oh yeah. It will be tougher to read, but an 11 x 17, I can certainly do that. That's fine.

Chairman Gallo asked if there were any other questions.

Lees said let's wait for Dan's report before we discuss possibly going to a Public Hearing.

Sullivan said the Regulated Activity is over 500 feet from the New Fairfield border. Sullivan read Sec. 7.13 of the regulations into the record. So the activity is over 500 feet from the town line, and Fagan agreed. Massoud said there's a 2nd part to that. Sullivan read again, any portion within 500 ft. Secretary Lee said generally I notify the municipality and you notify the municipality. Lees asked will there be some type of nature study or wildlife study? Sullivan said Environmental Planning Services will address that. Lees asked about blasting. Mills said I'm quiet tonight. Rose said you are quiet tonight. Gallo asked are there any further questions?

Rose made a motion to table this. Sullivan asked do you want any staking done yet? You're going to want this flagged and staked. Lees seconded the motion, and the motion to **table** to 8/22 carried unanimously.

Winnebago Trail, Candlewood Pines Regulated Activity # 769

Pamela Equities Corp.

Assessor's Lot # H03069, RA-80 Zone.

Date of Receipt: 8/8/07.

Parking, storage building, volleyball court, docks.

First 65 Days: 10/12/07. Second 65 Days: 12/16/07. Lots # 1-5. CCA, LLC. Gallo introduced this petition at 9:55 pm. Steve Sullivan again identified himself and discussed this proposal, to provide community docking, a gravel parking lot with 15 spaces, a sand volleyball court, and storage for kayaks and canoes. Back in Aug. 1, 2006, Northeast Generation Services approved the docks. So we will get permission from First Light, the new owner. It is 1.29 acres, and there are some large boulders there that will have to be broken down. No parking is permitted in the front yard per the zoning regulations; then there is proposed a vegetated slope and volleyball court and a trail down to the proposed docks. No water service or septic is needed; just a place for a community docking area. I will say the original soils report was done in 1989, so I can have our current soil scientist update that for you. Baroody replied yes. Sullivan said he will get out there and he will get that too.

Fagan asked how far is the corner of that gravel from the 440 line?

Sullivan replied 93 feet, and then it gets greater as you go to the north.

Lees asked why did you pick 14 parking spaces? Sullivan explained to him. This is a separate parcel, Sullivan said. Gallo said we will probably want a site walk. Sullivan said I will go to the Candlewood Lake Authority.

Motion to **table** by Lees. Second by Fagan and Rose. The motion carried unanimously at 10:01 pm.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS:

3-5 Sugar Hollow Road

Regulated Activity # 762

Sugar Hollow Road Associates, LLC Assessor's Lot #G17002, G17019, CG-20 Zone.

Date of Receipt: 7/25/07.

The Shops at Marcus Dairy, 10.0094 acres.

First 65 Days: 9/28/07. Second 65 Days: 12/2/07. Artel Engineering Group, LLC. Public Hearing to open next meeting 8/22/07.

Miller at 58 Benson Drive.

Shurgard NOV on Mill Plain Road, rec'd. at Glendale, CA on 7/23/07.

ADMINISTRATIVE STAFF ACTIONS:

5 Administrative Approvals by Daniel Baroody, RS, MPH, done on 7/27/07 and 7/30/07, as follows: Bernie Gallo read through these. Massoud had a question on Administrative Staff Actions. Dan, did the Engineering Department submit any design consideration? Baroody replied they were not going to do any work in the stream, just in the deck. Farid designed them in-house. And they are not going to get into the channels, Baroody said.

City of Danbury

Regulated Activity # 763

Padanaram Road Bridge Over East Lake Brook Replace existing bridge.
Date of Receipt: 7/25/07. Engineering Dept. #04-41

City of Danbury

Regulated Activity # 764

Backus Avenue Bridge Over Miry Brook Replace existing bridge.
Date of Receipt: 7/25/07. Engineering Dept. #04-43

City of Danbury

Regulated Activity # 765

Padanaram Road Bridge Over Margerie Brook Replace existing bridge.
Date of Receipt: 7/25/07. Engineering Dept. #06-01

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. Artel Engineering Group, LLC. Moved 6/13/07 to Admin. Approval.

44-46 Old Boston Post Road

Regulated Activity # 668 R

Avi Mistrieli Assessor's Lots # H22042, RA-20 Zone.
Date of Receipt: 7/25/07. Revised single-family residence & septic. Lake Waubeeka. Concept Homes, LLC.

CORRESPONDENCE: None.

ADJOURNMENT:

Motion to adjourn by Fagan. Second by Soriano. The motion carried unanimously at 10:02
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pm.

The next regular meeting of the DEIC is scheduled for **August 22, 2007**, at 7 pm.