



CITY OF DANBURY
155 Deer Hill Avenue
Danbury, CT 06810

Environmental Impact Commission

www.ci.danbury.ct.us

203-797-4525

203-797-4586 fax

MINUTES

September 19, 2007

SPECIAL MEETING

7 PM

Third Floor – Room 3C

The special EIC meeting was called to order by Chairman Bernard Gallo at 7:01 pm. Present were Gallo, William Mills, Bruce R. Lees, Jessica Soriano, Matthew Rose, Alt. Mark Massoud. Absent were Craig Westney, Alt. Kurt Webber and Jon Fagan (recused).

Chairman Gallo announced that since we don't have a flag in Room 3C, we will skip the Pledge of Allegiance.

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 received 6/18/07. Letters from Sean Hayden received 6/25/07 & 7/9/07. Site staked & flagged 7/9/07. Clarifications received 7/24/07. Maintenance requirements & Alternate D mitigation plan received 8/6/07. Assessment report by Baroody 8/6/07. Alternate D Conserved Land Area Map & Survey Map received 8/7/07. Mitigation measures for Alternate D received 8/8/07. Public Hearing closed 8/8/07. 9/19/07 Draft Decision to Deny; Draft Decision to Approve.

Chairman Gallo introduced this item, and asked if there are any questions for Dan Baroody before we make any motions? The motions will be to approve or deny, Gallo said.

Mark Massoud said, as a point of order, I'm an alternate, replacing Craig Westney tonight. Massoud said I have listened to the tapes and reviewed the minutes for meetings I have not been to.

Lees asked Baroody to comment on the format of the two reports, not the content.

Dan Baroody said okay; basically, there is the project introduction, then the discussion of significant impacts; the draft goes through them by numbers; then

Danzer's reports, the basis of decision, and lastly the call out of the regulations by number, and under that is how you would handle the decision based on that section of the regulations, Baroody concluded.

Lees said it looks very thorough.

Baroody added that in the approval draft the conditions of approval are listed.

Mills said that on the draft decisions to deny, on page 6, statement #5, I'd like the last sentence to be stricken.

Lees asked Mills on the approval or the denial?

Mills replied on the denial draft.

Gallo said we'd like to delete the last sentence.

Lees said may I ask the Commissioner why?

Mills said because I feel it will have a significant impact.

Gallo read the sentence in question into the record: "*The Commission finds no reason to believe that the impact of this activity will lead to a long term impairment to the wetlands or watercourses*".

Massoud said, if I understand your point, Mr. Mills, this would be more appropriate located in the draft decisions to deny.

Gallo asked is everyone in agreement to delete this? We don't need a motion.

Gallo asked are there any other remarks? If not, a motion is in order to either deny or approve.

Lees made a motion to accept the draft decision to **deny**. Is that enough?

Massoud said I'll second.

Gallo asked again are there any remarks? Questions?

Massoud said I'd like to make some remarks. In reading over both drafts, the basis for approval and for denial, I don't find a lot of differences. In the approval draft, there are several references to potential impacts to the wetlands and watercourses, and it also points to a lack of mitigation other than storm water management, or it makes recommendations to reduce the impacts. Massoud continued saying any agency would think it unusual to find the same statements in both drafts. This has been a long process, and while the applicant has made many commendable strides in the process, it's essentially the same application that was rejected previously by this agency. They are just at a disadvantage. Ultimately it's not enough to apparently suggest an approval on this application, Massoud said. I just wanted to state some of my reasons for denial of this application.

Lees asked Massoud are there any points that you thought were missed?

Massoud said I'll go back to the finding. One of the key issues that we face is that there could be a feasible and prudent alternative. And several places in the denial it states that there could be feasible and prudent alternatives, so we can't consider the application complete, Massoud said. So I think the denial is complete. No, I find it complete, Massoud concluded.

Chairman Gallo asked all in favor of the motion to deny?

All six commissioners responded "Aye".

Gallo said the petition is **denied**. The motion carries.

Gallo said being that there's no further business, I'll accept a motion to adjourn.

Lees made a motion to adjourn.

Mills seconded the motion. The motion carried unanimously at 7:12 pm.

The next regular meeting of the DEIC is scheduled for **9/26/07** at **7** pm in Common Council Chambers.

Respectfully submitted,

Patricia M. Lee, Secretary