



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

**October 24, 2007**

7 pm

**Common Council Chambers**

The DEIC meeting was called to order by Chairman Bernard Gallo at 7:04 pm with four Commissioners present. Soriano arrived at 7:14 pm. Present were Gallo, Jon Fagan, Jessica Soriano, Matthew Rose, Alt. Mark Massoud.

Absent were William Mills, Bruce R. Lees, Alt. Kurt Webber, Craig Westney  
Staff present were Daniel Baroody, RS, MPH, and Secretary Patricia Lee.

The Pledge of Allegiance was led by Jon Fagan at Gallo's request.

**PUBLIC HEARINGS:**

**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. Photos, reports from S. Danzer rec'd. 8/21/07. Public Hearing opened 8/22/07, continued 9/26, 10/10, and 10/24/07 Extension ltr. rec'd. 9/26/07. Rev. maps & plans rec'd. 9/21/07 & 9/26/07. Danzer update rec'd. 10/23/07. Chairman Gallo introduced this Public Hearing. Neil Marcus took the mic and introduced himself and his team (Dainius Virbickas, P.E., Henry Moeller, Soil Scientist, and Matthew Popp, Landscape Architect). Gallo said Bill Mills is on vacation. Marcus remarked about Mills' request for a 30 foot buffer, and we've gone back and adjusted the site plan. We have actually achieved the 30 foot buffer as requested, and Marcus talked about the restaurant run off and the trash control.

Dainius Virbickas, P.E., of Artel Engineering Group, LLC, identified himself and mentioned the specific tasks that they were asked to address at the last meeting. Right now I've got the prior plan on the board for you to review. Again, Mr. Mills had asked us to make that change. It did not seem to be such a daunting task that we thought it would be, and he flipped to the 10/18 revised Site Plan. At the easel, Virbickas showed where they were able

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to achieve the 30 feet distance. I have plans for you to look at right up close, which Virbickas distributed to the Commissioners. Lynn Waller asked from the audience for Virbickas to speak into the microphone. The three closest points are highlighted in yellow, Virbickas said, on the Site Plan on the easel. The dumpsters have been moved farther away from the brook. We've eliminated the patio on the north side of that building; taken away this impervious area (patio). We are proposing trash enclosures as requested also by Mr. Mills. There was also a question from Mills regarding cuts and fills; he was concerned about the floodplain itself. We've calculated that, and Virbickas gave the amount of fill. To compensate for that, as I explained before, the amount of cut is roughly 3,011 cubic yards. I believe Mr. Lees had asked for an overlay map, and I have only one. And I do have that on the board and I'll go over that, Virbickas said. I asked my staff to indicate in red the extent of the existing asphalt, so you'll see how close the existing surfaces are to the wetland and Kissen Brook.

Gallo announced that Commissioner Soriano is here at 7:14 pm.

I have given one copy of that to staff for the record, Virbickas continued. There were some comments I had made about something I came across when searching for the deed. This is a 1940 map showing proposed enlargements for the Danbury Airport. It is interesting to note where the existing streams used to be, where existing roadways used to be, and how Kissen Brook was proposed to be changed. Virbickas handed out the old Milton Chazen map. I did highlight in blue, Virbickas said, the brooks that coursed through this vicinity in Danbury; in purple is the streets, in blue the brook channel, and in orange the proposed brook channel. That brook was totally relocated and brought to the eastern side. It's kind of tough to tell with this reduced side map, Virbickas said.

Rose asked Virbickas to point out where this is on the property.

Marcus took the mic and gave some history of the streets, Park Avenue, Segar Street, and how it is today. If you follow this loop line around to the right, Marcus demonstrated; Marcus talked about his father and what his father told him, and that today is his father's birthday. On the purple there, there is Danbury AGR Society. If you follow that to the Northeast, Marcus said, you will see Chichester which is now the bank building and Pier 1. Kissen Brook just wasn't there 60 to 70 years ago, which leads us to put this whole discussion of alluvial soil and floodplain in a completely different light. That was entirely filled land, Marcus said. The Kissen Brook didn't flood in the area that we are talking about. Virbickas interjected where it flowed on the plan on the easel.

Marcus said this map makes Dr. Danzer's reports kind of nonsensical. It was because there was never any brook there. It puts it all in perspective now, Marcus said. Danzer is still looking for floodplain soils. I will let Henry and Dainius talk about that a little more. We thought it was filled on the side of the brook. Marcus said Milt Chazen was an old Danbury name; that name has not been around here in years.

Virbickas re-took the mic. I can show you on the map where the current parcel is located on the right side of the map. Gallo turned his mic off. Virbickas referred to Approximate Existing Features Overlay: 1940. Again these were approximations, Virbickas said, but it gives a good idea of how the water used to flow, and that Kissen Brook is just a manmade ditch. We have Henry Moeller to talk about the soils a little bit more, and Matthew Popp to show you the landscape plan.

Henry T. Moeller, Soil Scientist, took the microphone at 7:25 pm and identified himself. One aspect that I think is very important is that some of the drainage soils classifications are not clear. You do not get roots in soils that are generally saturated. The other aspect is that I have worked in areas both in Connecticut and in Wisconsin where there were poorly drained soils near a large ditch, and he explained about the large ditch. Next to a large ditch, it just does not drain out. Moeller referenced the area he studied in Wisconsin, and what he has

also seen in Connecticut near West Hartford, where they had cut a ditch near the West Hartford mall; basically a valley, and they cut off all the water going to poorly drained soil. He explained the characteristics of that kind of soil, versus its functions. What is it now? Is it functioning as a wetland? There has to be a drastic and obvious change in the surrounding area, and Moeller referred to the mall and Backus Avenue and direct rainfall. That's about all I'm prepared to say, unless you have questions; I'd be glad to answer them, Moeller concluded.

Matthew Popp took the mic at 7:30 pm and identified his firm. He referred to the Watercourse Corridor Landscape Plan on the easel. There are a lot of small trees overhanging the watercourse which we plan to remove and he cited their species, providing kind of a visual connection. Phragmites are down along the northeast corner of the site and behind the proposed restaurant. We are taking out the burning bush, Popp said. The plan shows a plant list. Popp flipped to the Landscape Plan; we will plant additional trees along the watercourse: 15 shade trees and he listed the species, and approximately 150 shrubs. There is also some landscape debris, Popp said, and we'll be taking that out. If there are any questions I'll be happy to answer them, Popp concluded.

Marcus came back to the microphone. I'm going to pass out real quickly a response letter. As you know after Danzer's report, Marcus said, we went back out and dug a lot of holes. Steve Danzer and Dan Baroody were not there. Part of what we did on the dig; Henry Moeller and I go back 30 or 35 years, and Marcus said Henry looks at this with a lot of experience. Then we brought Burt Laux in, an old timer too. He was around when soil was invented. We were looking for something that exists along a river bank, and it just wasn't there, Marcus said. We have addressed these issues as if we were looking at a river bank. Here's another response from Burt Laux dated 10/24/07 addressing the Danzer comments. What we have now is a battle of the experts. Marcus said Dr. Danzer wants to do things his way, and Henry and Burt want to do things more traditionally. Marcus discussed the 2006 list of Registered Soil Scientists of Southern New England, and we went through A through M; and Marcus reviewed the basic member status, and that's very important. Any name on this list that has an asterisk after it does qualify, but does not have the three years experience. Dr. Danzer is basically considered to be a junior member, Marcus said. Scott LeRoy has both the education and experience to be a senior member. Burt Laux has over 26 years of experience, Marcus said, and that's one of the reasons we went to Burt Laux, a senior member. Also, Marcus said, Henry T. Moeller is a senior member. I don't fault Dr. Danzer. There's something out of whack here, Marcus said, and had he been there. And we all knew at one point that the Kissen Brook had been moved hundreds and hundreds of yards away from where it was, Marcus continued. This is a floodplain, but not by soil type, as all soils found there appear to be part of the fill, and Marcus referenced what Henry T. Moeller called mottling. It's all filled soil. We are focusing on the Backus Avenue side of the property. Marcus said I'm going to suggest, for your purposes, that this whole discussion of where the alluvial soils are, is irrelevant. The Backus Avenue Firehouse was built in that floodplain, if you look at that area; it's where the purple and pink lines intersect on the 1940 map. You've got the development for the City for the firehouse. If you determine that the firehouse did not create any significant impact, you'll find that this proposal does not either, Marcus reasoned. There's been no suggestion from Dr. Danzer that this proposal will be a detrimental impact to these wetlands, Marcus said. Why would you monitor this area for a year? You're using that for flood storage. The difference is that we are going to grade it in such a way, and on top of that we are spending an enormous amount of money to install an underground drainage system. At the end of the day, we sort of lost track of why we are here, Marcus said. We will create a better environmental picture than what this was previously. The entire project will have less impervious surface than it has today; a

major improvement. We got the 30 foot buffer; we eliminated a patio; we enclosed the trash area, so what you are going to see is more material that shows a difference of approach. Marcus compared it to having a conversation with his kids. Danzer has a more traditional point of view. So that's where we are, Marcus said. You've got three soil scientists' opinions. You'll look at this and conclude that it's the best methodology for improving and enhancing this type of use, retail as opposed to heavy industrial use as in the past. Marcus asked if his team had more to add.

Henry Moeller came back to the mic and explained about undisturbed soils versus areas that have been highly modified. I did not attempt to make any comment on the floodplain, as I leave that to the engineers, and watershed studies. Massive changes have taken place around the property, Moeller concluded.

Marcus said at 7:50 pm we will finish then.

Chairman Gallo asked is there anyone from the Public who wishes to speak?

Mary Reynolds identified herself and said she will speak for those who cannot speak for themselves. The trees and vegetation will come down and it will mean an awful big change for them. Reynolds discussed that oil must have seeped into the soil in the parking lot behind Marcus Dairy for years and years. I want you to watch this project closely. Reynolds read an eloquent statement about the wild creatures. Thank you very much for the time, she concluded.

Lynn Waller came forward (Tape 1 flipped to side B), identified herself, and said I am not against this project. Where are they going to put the snow, and where will it melt? That's my concern.

Jon Fagan addressed Lynn Waller: the applicant did address that question.

Dan Baroody stood up and said staff requests that we continue the Public Hearing as we just got this new material and the planting plan tonight.

Fagan made a motion to continue, but immediately removed the motion from the table.

Mark Massoud said I have a couple of comments. He turned off his microphone. Parcel B now is a vacant parcel. The concern is to determine, and I understand where Dr. Danzer is coming from; he is looking to have some monitoring wells installed, I presume, trying to look for the extent of the flooding, as now we propose to put a building and impervious surface in that area. A lot of discussion has taken place about the relocation of Kissen Brook; nonetheless, enough time has passed that the Brook has formed some natural conditions, enough flooding and enough hydrology. As I view the map, the flags are not directly linked to the brook itself, enough hydrology has occurred in the site, so I think what Danzer is trying to get at is to look at and add it to the overall mix of development. Part of the concern also is, the agency has a chance to look at the development, it operates as a commercial industrial site, going pretty close to the brook. The agency is looking to shape that development as much as possible and protect what is there. So I think by taking that into account, Massoud said, looking at the vacant parcel, keep that buffer area to the greatest extent possible. At previous meetings, the applicant said that they were driven to place the buildings as they did based on the Commission's comments. I did review the minutes for the past meetings for the proposed bridge. Our administrative person Pat does produce some very detailed minutes; and no where did I see where we would accept a 15 to 20 foot buffer. I have not seen any reference to 15 to 20 feet. You now can propose 30 feet, so we can look at that. This agency as everyone knows is alternative driven. A Public Hearing is very important, and to look at the alternatives that would lessen the impacts to the watercourses. And that's the reason for the sharp questioning. Up to this point, we'd been looking at one site plan, so again I think that that fact also drives the questioning about an undeveloped parcel as part of this mix. So, again, I'm just trying to present my take on it. We do have some new information to look at, Massoud said, and in a sense I

agree, but we need to step back and look at the overall picture. Massoud concluded I can't speak for others.

Gallo said thank you.

Marcus came back to the microphone and said Mr. Massoud raised a couple of questions, before we close. Look at Burt Laux's comments: why would monitoring wells add to the flooding of surface water, which Marcus compared to the groundwater table.

Massoud said I think our consultant is also looking for buried wetlands. So I think it's a dual purpose or a dual function.

Marcus said we'll try to flesh that issue out. A lot is how the experts approach the study. They will talk about that before the next meeting. Also, about the 20 foot buffer, I don't know that it was your comment.

Massoud and Marcus discussed the previously proposed 15 to 20 foot buffer.

Marcus said, on looking for alternatives, you have an alternative plan before you. If you are saying a parking lot is a better development, and Marcus referred back to the history that the vacant parcel was always a parking lot for the Fair.

Rose had one other comment, based on Mary's comments: was a Phase I or II done on this property?

Marcus asked Virbickas, we did a Phase I, didn't we? Marcus explained the history of the very small tank that leaked and was discovered and removed. The other removed tanks were absolutely pristine. The site has been checked, and we found no significant issues. It's pretty clean, Marcus said.

Baroody said, through the Chair, we'd ask that those Phase I and Phase II reports be submitted to the Commission.

Marcus replied I'll see if I can find them.

Massoud asked about the plan on the easel.

Virbickas said you can keep it if you'd like.

Marcus added you have it miniaturized here.

Thanks again.

Fagan made a motion to continue the Public Hearing to 11/14/07.

Rose seconded the motion.

The motion carried unanimously at 8:08 pm.

Baroody asked Dainius Virbickas, could you leave that airport map here? Virbickas gave the rolled map to Secretary Lee.

## **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. 9/12/07 Rec'd. cut & fill and wildlife report. Rec'd. 9/20/07 Steve Trinkaus, PE, report & CV. Public Hearing opened 9/26/07, cont'd. 10/10 and 10/24/07. Geotechnical & rock removal review rec'd. 9/24/07. Site walk 10/9/07. Mitigation plan rec'd. 10/9/07. Danzer's report rec'd. 10/10/07. 35-day extension letter rec'd. 10/16/07. Steve Sullivan, PE, took the mic at 8:10 pm and gave some history of the responses they have prepared to the Commission's previous questions. Sullivan submitted some photos showing the silt fencing that is in place. We expect to have more discussion at the next meeting, more responses, Sullivan said.

Bernard Gallo said Dan told me the job was done well.

Baroody said I agree with the consultant, and they did a good job putting in the temporary erosion controls, and there is no need to issue Notices of Violation at this time.

Sullivan said that's it, unless there are questions.

Massoud asked will you be addressing the other issues regarding Danzer's comments of 10/10? And the balance of his comments regarding the subdivision proper?

Sullivan replied yes.

Massoud asked is it possible to receive that before the next 11/14 meeting?

Sullivan replied yes.

Attorney Tom Beecher identified himself, saying he wants to address one concern in Danzer's letter: the land clearing was done within a logging permit that was issued in June of 2004.

Massoud asked has the applicant provided any sets of feasible alternatives for the agency to consider?

Sullivan said yes; in our original application materials we offer alternatives, and compare a conventional subdivision layout. Scott LeRoy seemed favorable to the cluster layout on the site. So that's one alternate plan. We also have an alternative in the new package we're submitting; we will offer a driveway alternative.

Fagan said I thought the alternatives were extensive, and the Conservation Easement was extensive along Candlewood Lake in the cluster subdivision proposal.

Sullivan addressed Massoud's concern and the existence of the conventional layout in the package.

Gallo asked is there any member of the Public wish to speak on this issue?

At 8:16 pm, Gerry Brunner of 63 Bear Mountain Road signed in. This is the third meeting about Candlewood Pines. The wetlands are about 30 feet behind me, and I'd like to know if they did anything about that. There's a big ridge that runs along that is twice as high as my house. There is a wetland beyond that ridge, but it is flat, Brunner said. So I'd like to suggest a buffer up there, as my cellar floods. Brunner also cited the abundance of wildlife, tree removal, and the big question was the storm drain that runs all the way down to Buckskin Heights. That property owner spoke on that issue at the first meeting. So I'd like to know if anything can be done, what roadwork will be done; and I'm not sure where we are with that, if anywhere, Brunner concluded.

Gallo said I'm not sure.

Sullivan stood up and responded: as I stated, these revised plans will reflect some changes pertinent to Mr. Brunner's property, what is going there today, and what will be going there after the development. The septics will meet and exceed the State code. So again, at the next meeting we will be able to show the analysis and the changes we've made.

Gallo asked is there any one else wishes to speak on this issue.

Fagan made a motion to continue the Public Hearing to 11/14/07.

Soriano seconded the motion.

The motion carried unanimously at 8:21 pm.

## **OLD BUSINESS:**

**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 single-family residence, well, septic, driveway.

First 65 Days: 9/28/07. Second 65 Days: 12/2/07. Michael Mazzucco, PE. 2.4 acres. Site is staked & marked 8/23/07 for site walk. Extension letter rec'd. 9/26/07. Pollutant renovation analysis rec'd. 10/11/07. Screening report 10/23/07 by D. Baroody. Chairman Gallo introduced this issue, and Mike Mazzucco took the mic and identified himself. Gallo asked does anyone have any questions on the project. Massoud asked can you just elaborate on how the plan has changed? Mazzucco answered the plan itself did not change, but when I was first involved with this project, the client wanted to put his house further to the east. I said to him we'd be wasting time and money as there was a spot for the house further away from the wetlands. We did the pollutant loading analysis, Mazzucco said, and Dan reviewed that. We tried to keep as far away from the wetlands as possible, and gave a lot of thought to the septic and layout of the driveway. Gallo asked are there any further questions? Mazzucco said I've read the staff report and I have no problem with any of the conditions. Dan Baroody identified himself. I'd like to submit the screening report, and basically as discussed in the pre-app discussions, he has moved everything back and has submitted his pollutant analysis. Fagan asked are there other questions? Massoud had a question about condition number #9. Baroody replied that one was deleted. Rose stated that we should clarify the condition numbering. Massoud had one more question. Fagan made a motion to approve with the 10 conditions listed in the revised 10/24/07 screening report. Soriano seconded the motion. The motion carried unanimously at 8:29 pm with no further remarks.

**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. ConnSoil report rec'd. 9/26/07. Extension ltr. rec'd. 10/15/07. Survey received 10/23/07. Ceast & Desist order for a violation of Zoning Regulations mailed 10/24/07 by ZEO, Tim Rosati. Neil Marcus, Attorney, identified himself again at the microphone saying you had asked a while ago for an updated map, which we did submit. At this point, other than what's shown on the map and what was previously submitted, we don't have much more. Marcus reviewed the bulk of the proposal, the driveway, storage area; the driveway is certainly located in the regulated area; it's always been there. The purpose is to store sand, gravel, rock; it's a construction yard. We'll answer any questions you have but this indicates where David Tinker found the old driveway. And that's where we are now, Marcus said. Chairman Gallo said I understand you are still working it without a permit. David Tinker answered out front there is a previously approved application. We no longer do anything in the back. You can see there's grass and weeds growing back there, Tinker said. We've fixed it up; maintained it, that's all. Baroody took the microphone saying I conducted an inspection with Mr. Mills last week, and

I have to disagree. We found evidence of activity in the rear area, and he continues to operate the soil screener, and tailings are now flowing into the wetlands. So it was Commissioner Mills' wish that the DEIC issue a Notice of Violation to Mr. Tinker. There is also a Cease & Desist Order from the Zoning Enforcement Officer that was issued this week. Fagan asked what do you suggest, Dan?

Baroody said I'd ask for direction from the Commission. I think we should go ahead with the Notice of Violation before we go on with any permit for Regulated Activity.

Marcus said I thought we were addressing a Notice of Violation by filing this application?

Baroody replied did not get a Notice of Violation from this agency.

Marcus said I really don't want to address the zoning violation here. I thought for this agency it was was fixing the old driveway, and Marcus explained how he and Tinker communicated, and that anything Tinker does requires a permit. We'd like to finish the improvement to the driveway, Marcus said. If the screening operation is a violation, we will address that. He probably has to modify the site plan to show the screening operation. Somewhere along the line, Marcus said, I'd like to get this driveway finished. We'll address that without the formality of a Cease & Desist Order. He's done everything this Commission has asked. Fixing the driveway really will be no detriment, Marcus said.

Massoud interjected, but there's other issues going on, and staff wants to issue a violation (Tape 2, side A inserted at 8:40 pm).

Tinker said there's actually no active erosion. We check it at least once a week. I'll gladly fix whatever you point out to me. During heavy rains there's been puddling in the driveway, and Tinker explained that there has been no activity back there. You will see it's heavily vegetated. I can see weeds growing on those piles, Tinker said.

Marcus asked have Mills and Baroody have been out there?

Gallo said, for the record, there's a Zoning Notice of Violation issued 10/24/07.

Tinker said Sean (Hearty) said I could continue my activity on the front of the property. Baroody stood up and showed Marcus on the plan where the problems with erosion and activity are.

Massoud, Marcus, Baroody and Tinker discussed what's happening.

Tinker said I think there should be a site walk, and he addressed Baroody's charges of tailings and the stock piled area.

Fagan said this all might be a mute point. We just received this yesterday. If it's issued, if it's in writing, we are going to discuss it here. I'd table this particular application in the form of a motion, and give Dan the ability to issue the Notice of Violation. They said they will work with this agency to clear it up.

Soriano seconded Fagan's motion.

The motion carried unanimously to table this and to issue a Notice of Violation at 8:45 pm. Baroody said, through the Chair, Commissioner Mills observed that the site was active and that he was using the rear of the property, and I agree with Mr. Mills' observations. Tim Rosati observed it too. We have three City officials that agree with the charges, Baroody concluded.

## **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, docks.

First 65 Days: 10/12/07. Second 65 Days: 12/16/07. Lots # 1-5. CCA, LLC.

Staking to be done 8/25/07 for site walk. Geotech. Engineering review rec'd. 9/24/07. Recommendations from Danzer rec'd. 9/25/07. Comments from CLA Marsicano 9/26/07. Site plan & response from CCA received 10/5/07. Site walk 10/9/07. 35-day extension letter & revised site plan rec'd. 10/16/07. Steve Sullivan, PE, with CCA, LLC, again identified himself at 8:46 pm, saying I'll go over the plan since our last meeting. Since we are going for a variance for the front yard parking, Sullivan said now we, in fact, put the parking off of Winnebago Trail. We eliminated the volleyball courts, and we increased the Conservation Easement area, so now on this parcel 70% is Conservation Easement area. There is very little lawn on this site. There will be the kayak storage building, a crushed stone parking area, and a significant buffer to the Lake. Sullivan asked are there any questions?

Gallo asked do the Commissioners have any questions?

Sullivan continued everything is 100 feet off the Lake edge and he enumerated the distances.

Massoud asked so this proposal is contingent on a variance?

Sullivan replied yes, as I mentioned earlier. We did a similar project with Jack Kozuchowski before and they sent a letter to the Zoning Board of Appeals, and we hope to get consent from them. The variance is for the parking in the front yard in a residential zone. The CLA suggested that too, and the owner is willing to go that route.

Gallo asked aren't you waiting for some other approvals? The issue of the bald eagles?

Sullivan explained to Gallo the DEP's input, and there is to be no construction during December through March.

Massoud said since we have received comment from at least two outside consultants, can we have the opportunity to get their comments on this revised plan?

Sullivan said I forwarded this plan to CLA already. You can send it to Dr. Danzer also.

Baroody identified himself at the mic, saying I spoke to the applicant today about the approval from the power company, First Light. We need something from the new power company about the new placement of the docks, Baroody said.

Sullivan said Brian Wood is going to give me basically a consent letter from First Light.

Basically the docks have to be approved by FERC. We still have to apply to FERC, Sullivan said.

Gallo asked are there any question? Thank you.

Baroody asked do you want to hear Larry Marsicano of the Candlewood Lake Authority speak?

From the audience, Marsicano said I think I've heard what I wanted to hear.

Fagan made a motion to table this.

Soriano seconded the motion.

The motion carried unanimously at 8:55 pm.

**Pembroke Road**

**Regulated Activity # 770**

**Roger L. Crossland**

Assessor's Lot # G07044, RA-40 Zone.

Date of Receipt: 8/22/07.

Pembroke Day Care Center, 2.5 acres.

First 65 Days: 10/26/07. Second 65 Days: 12/30/07. CCA, LLC.

Gallo introduced this, and CCA's Rod Cameron identified himself. There will be no blasting, Cameron said. I have provided a north, south, east and west cross-section which was just given to you, and the easel map shows a larger view. We are in the process of getting the wetland flagged. The soil report is in the initial application package. Can the roadway come

off of Cannon Drive this Commission asked. It would be inadvisable to do that due to the significant excavation required and its impact on the sight lines. As to the sidewalk question, we originally did have a site walk. I discussed this with Dan in the pre-app meeting. In terms of the filling, I had to move the fill line back and therefore had to take out the sidewalk. This is a conceptual plan, by the way. The owner has not decided to go forward yet; we are waiting for the DEIC decision and the requirements for a grading permit. He has not moved ahead with the daycare plan until we hear from this Commission. The green area on plan is the five foot fill line. Cameron described the drop off area and the driveway for the day care facility.

Rose said I'm not sure I understand: doesn't the City require a sidewalk?

Cameron indicated on the plan there is a sidewalk here, not here, at the easel.

Gallo said we will also asked to have the building staked.

Cameron said we are doing the wetland and building staking right now.

Massoud asked where will the discharge go?

Cameron explained where that will happen.

Massoud asked we don't have a report on that yet?

Cameron answered yes; Matt Popp provided that with the initial material in the application.

Massoud said Matt Popp is not a soil scientist though.

Cameron said Popp is a wetland scientist, and you have the report from Henry T. Moeller in the application.

Gallo asked this is for Roger Crossland?

Cameron replied yes; that is the applicant.

Gallo said it is in here.

Cameron said it was submitted on July 30<sup>th</sup>.

Fagan said I have not had a chance for a site review.

Baroody said to the panel if you need other copies of original application, it's in the Chairman's file. The Commissioners have expressed an interest in going out there, once the field work is finished.

Rose made a motion to table this.

Fagan seconded the motion.

Massoud said, to following up on the drainage, the site plan does not show the disposition of the surface flow.

Cameron said the proposal was just to have overland flow. We say the stormwater is clean, and that over the grasses it will go back into the ground.

Chairman Gallo said I have to stop this. We have a motion and a second before us.

The motion carried unanimously at 9:07 pm.

**62-69 Kenosia Avenue**

**Regulated Activity # 735 R**

**Artel Engineering Group, LLC**

Assessor's Lot # G18001, IL-40 Zone.

Date of Receipt: 9/26/07.

Jay Earl Associates, LLC / City of Danbury.

First 65 Days: 11/30/07. Second 65 Days: 2/3/08. Rev. under-pavement drainage. Revised site plans rec'd. 10/10 & 10/16/07. Screening report 10/24/07 by D. Baroody. Baroody took the microphone saying I have a staff report to submit, and we recommend a summary approval.

Gallo asked Baroody how many conditions of approval?

Fagan said eight.

Gallo asked are there any questions or remarks?

Fagan said the only remark I have is I appreciate that Dan was able to work with the applicant and the Health Department and move this along as quickly as possible. All the changes that we asked for are here. Fagan made a motion to approve this with 8 conditions.

Rose seconded the motion.

The motion carried unanimously with no remarks or questions at 9:10 pm.

Fagan added Boston is ahead (Game 1 of World Series).

Virbickas said thank you. The Vortech people were able to custom make a box. Now I know that.

**NEW BUSINESS:** None.

**APPLICATIONS FOR ADMINISTRATIVE APPROVAL:** None.

**ADMINISTRATIVE STAFF ACTIONS:**

The following Administrative Approvals were granted 10/18/07 by Daniel Baroody, RS, MPH:

**122 Clapboard Ridge Road                      Regulated Activity # 776**

City of Danbury, Routine maintenance, King Street diversion repairs (E06005).

**88 King Street    Regulated Activity # 777**

City of Danbury, Drainage pipe system (C06004).

Gallo read the above two approvals into the record.

**CORRESPONDENCE:**

Gallo read the Notice from State DEP 10/12/07 approval for repair of existing culvert at Wooster Mountain State Park, Danbury, File # IW-200702064GP.

**EIC ADMINISTRATION & FUTURE AGENDA ITEMS:**

**ADJOURNMENT:** Motion to adjourn by Soriano. Second by Fagan. The motion carried unanimously at 9:12 pm. The next regularly scheduled DEIC meeting date is November 14, 2007.