



CITY OF DANBURY
155 Deer Hill Avenue
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Environmental Impact Commission

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MINUTES

June 9, 2004

Common Council Chambers

Next regularly scheduled meeting date 6/23/04.

Members Present: Chairman Benjamin Chianese, Kevin Russell, Sabrina Charney, Keith Prazeres (late, for Mr. Lees)

Members Absent: Bruce Lees, C. Westney, William J. Mills, Thomas Pinkham,

Staff Present: Scott LeRoy, Senior Inspector, Environmental Impact Commission, Patricia Lee, Secretary

Chairman Chianese called the meeting to order at 7:55 pm and apologized to the audience for the late start. The Board Members self-identified themselves from right to left. Keith Prazeres motioned to accept tonight's agenda as written. Kevin Russell seconded the motion, and it carried unanimously. Ben Chianese motioned to move the Payne Road discussion to item one on tonight's agenda. Sabrina Charney seconded this motion, and it carried unanimously.

EIC ADMINISTRATION, OPERATIONS, & FUTURE AGENDA ITEMS:

Notice of Violation: **50 – 58 Payne Road**, Ray Boa & Arlindo Augusto, LLC, Assessors Lot # M12009, mailed 5/5/04. Withdrawal letter for Regulated Activity # **544** received from M. Lillis 5/20/04. Mr. Boa and Mr. LeRoy had meeting at City Hall on 5/28/04. Michael Lillis, P.E., with CCA, LLC, of Brookfield, CT, signed in at 7:58 pm and identified himself. He said Ray Boa is here too. Mr. Lillis presented the Mylar copy of the A-2 survey to Scott LeRoy so that it can be overlaid, he said, as Mr. LeRoy had requested. Lillis asked the Board Members if they had any additional directions for himself and Ray Boa, any direction on the use of mechanical equipment. Mr. Chianese said, okay, any suggestions? Scott LeRoy said he did a site walk today and found it's been cleaned up, "he's right"; it's "a lot better", and "I appreciate that". Mr. Lillis presented photographs that he said he took yesterday. I have some if you'd like to hand them out, he said. Mr. LeRoy asked, is the idea about the material on the site, do you still want to use that? Ray Boa answered "yes". LeRoy said some of the material in there is not acceptable material. There is metal, plastic pipe, tires, asphalt, rubbish mixed in with the soil. The Building Department would make them screen out all that rubbish. Would the original approval allow a screen to be brought in? Or screen out the rubbish on another site, and bring it back to Payne Road. Zoning would have to tell us if he can do a screening operation on site. Ben Chianese said he had a question for the applicant. He said, you also gave us Connecticut DOT standards on reclaimed waste; what does this tell us? Mr. Lillis answered that this says that the material could be sold to the

State DOT for a project as fill. Some materials, clearly, would have to be culled out, bits of wire, plastic pipe. Look at the section about embankments, Lillis said. At least the DOT finds the material acceptable. Chianese asked if the DOT would use it in an area close to wetlands. Kevin Russell said I appreciate this copy, but it's not complete: the last line in the sentence, see page 3, says a certified test report can indicate that the "waste is environmentally acceptable". Scott LeRoy said we'd have to see if Zoning would allow it. Chianese said, my recommendation is to have the material removed, screened off site, and then returned to the site. Ms. Charney said, at least, some testing should be done. Keith Prazeres said to go the extra mile and ask Zoning. LeRoy said that the screening operation is noisy and the neighbors will have complaints. Mike Lillis said, I don't think there's any process whereby the State can certify the soil is safe. I'll get page 4 to Scott LeRoy in the morning. Charney said the applicant could employ the same measures that the State uses. LeRoy said, as it is right now, this is in violation of the rubbish code. Charney and Chianese agreed that, if the Health Department thinks it should be moved, then move it and test it. Lillis said, we need your permission to use mechanical equipment to remove the material. Charney said whatever you need to use to remove it. Kevin B. Russell asked to screen it or to remove it? Lillis said we are waiting now for Scott LeRoy's report. Chianese asks to order that testing on-site. Charney asked if it's in violation of two City codes. Ray Boa took the mic and said, what I would ask, that pile that's there is 90% acceptable for the DOT, I ask permission to just separate the material. This would cause less disturbance, less trucks going in and out, if we can inspect it and clean it on site. Charney said we would want assurance of the composition of the stockpile. Boa said, I can assure you, we're in the driveway business; "that's clean fill material". I assure the Commission it is suitable. We would make sure all that is separated. Scott LeRoy asked how will you get the small metal pieces out? Kevin Russell asked, what's the separation process? LeRoy asked, what about the wire? It needs to be gone through manually. Either you want to have it, or you don't. Take it off-site, that's my opinion, LeRoy said. LeRoy read condition #2 (Permit Extension #154) from the 4/30/03 Conditions of Approval: "The materials that are to be stockpiled on the lot shall be limited to processed stone, topsoil, blue stone, Belgian block, and fieldstone and trap rock." Charney said, it's not in compliance. If it was conditioned, the material should be moved. She and LeRoy and Russell discussed the fill, the original Notice of Violation, coming into compliance, the definition of fill, screening it out, testing it. Ms. Charney made a motion that the EIC Notice of Violation for 50-58 Payne Road, Ray Boa and Arlindo Augusto, LLC, include removal of the stockpile within sixty days. Keith Prazeres suggested decreasing that time to thirty days. Ben Chianese said, as a point of order, there's a motion on the table. Keith Prazeres said I'll second that motion, within sixty days. Ray Boa there's approximately 100 loads of material; I'll ask for a clarification on the testing. Scott LeRoy answered, you need to find a test. I will direct Mike Lillis to call the DOT. Throw us the answer and we'll review it. Kevin B. Russell said he'd like to caution that we not hold these definitions as examples for future applications involving fill. The motion then carried unanimously. Ray Boa said, regarding the fence, the trees, I'd like to continue to put these in. Scott LeRoy and Sabrina Charney said the building of the driveway will have to wait. LeRoy said permanent markers for the wetlands will be required.

PUBLIC HEARING: None

OLD BUSINESS:

12 Dixon Road

Regulated Activity # 548

Christopher & Donna Ryan

Portion of Assessor's Lot #

J08127

Date of Receipt: 4/14/04. *S. Danzer reviewed proposed dwelling, well, septic. Ext. letter rec'd. 6/9/04.* Scott LeRoy said we have the extension letter. We're waiting for Michael Mazzucco's plans. Motion to **table** by Keith Prazeres. Second by Kevin B. Russell. Motion carried unanimously.

Aunt Hack Road, Parcel B

Regulated Activity # 553

Neil Perone

Assessor's Lot # C09009

Date of Receipt: 5/12/04. *Single-family dwelling, well, septic. Steve Danzer reviewed 5/24/04.* Neil Marcus, Attorney at Law, took the dais and introduced himself at 8:32 pm. Ron George, P.E., with CCA, LLC, handed out two plans to the Commission. Ron George identified himself at the mic. He summarized what he presented at the last meeting: moving the house away from the wetlands. "I was able to move it 16 ft. away". Also, we've pushed the driveway away from the brook and still maintained the 12% grade. He said, I met with Jack Kozuchowski today about the off-site mitigation. Ben Chianese has a question on the easement. Neil Marcus replied, we have to get through this Commission first. Ron George said he met with Jack Kozuchowski today. At Kenosia Town Park, there is a piped watercourse underneath it all that flows to a swamp before it gets to the Lake. Jack proposed we create a plunge pool, plantings, to catch the sediment, clean it out, deepen it, a 2200 sq.ft. area and a 700 sq.ft. area, for a total of 2900 sq. ft. Ms. Charney asked when was the old plunge pool done; the first off-site mitigation was done when? Mr. George said he did not know. Mr. LeRoy volunteered, "About a year ago". He said we will need a planting plan, analysis of impact, data, details, and we'll show all this to Steven Danzer, Ph.D. Mr. Russell, LeRoy and George discussed if one to one mitigation is to be done, increasing the functions of the wetland. LeRoy said we could have them bond it out. We usually do. He discussed the multiple mitigation projects on a single site and the long-term plans. George said we could increase these plantings. LeRoy said, Lake Kenosia is a reservoir. Did you contact Mario Rizzo? LeRoy suggested George may also want to contact the State Dept. of Health too. Chianese said there must be maintenance agreements for that. Charney, LeRoy and Prazeres discussed maintenance on the old plan, finding the old file, doing mitigation on top of mitigation. (Scott LeRoy asked Secretary Lee to ask Jack Kozuchowski for the old applicant name. It is not the City of Danbury. Jay Fein was the consultant. It was approved by Common Council. Weeks Automotive, EIC 443.) LeRoy said, okay, we'll wait for the information. "The ball is in your court". Marcus, LeRoy and George discussed what the EIC requires now, the plans, getting Steven Danzer to look at it, the soil scientist Roy Shook, asking Steve's opinion, "we need the plans in order to review them", Mario Rizzo's opinion, the State Dept. of Health's opinion, and the just submitted revised plan. Neil Marcus said, "I got ya". Charney said the concept is good, but we need more information. Charney made a motion to **table** until the revised plans are submitted. Kevin Russell seconded the motion and it carried unanimously.

Bear Mountain Road

Regulated Activity # 554

John R. Clarke - Bay State Forestry Assessor's Lot # H03069, I03003

Date of Receipt: 5/12/04. *Timber Harvest- Pamela Equities Lot. Site walk scheduled 6/14/04, 6 pm.* Chairman Chianese introduced this item. Scott LeRoy said it is "extremely important for you guys to see this". It took me 20 minutes just to find the place. Go past a white mailbox with a pine tree on it, right before New Fairfield. We could meet at Bear Mountain Park. "It's pretty wild". "It will take a while to walk". Do it after hours? Mr. Chianese suggested we schedule it now. Everyone discussed the date and time. Monday, 6 pm, 6/14/04, it was decided to meet at Bear Mountain Park. Kevin Russell said to inform the others. Ben Chianese asked, not The News Times? "No". This is the second site visit. Notice it at City Hall and the Town Clerk's office. Tell Larry Marsicano to join us, Scott LeRoy said. Charney and LeRoy said they know what the markings mean, and they will explain it there. Keith Prazeres made a motion to **table** this, Ms. Charney seconded the motion, and it carried unanimously.

25 Hayestown Road

Regulated Activity # 555

Harbour View Condominiums

Assessor's Lot # I09085

Date of Receipt: 5/12/04. *18-Unit Condominium Development. Steve. Danzer reviewed 5/21/04.* Ben Chianese introduced this application at 8:56 pm. We are still waiting for advice from Corporation Counsel, Mr. LeRoy said. It's still an issue. She will advise us. Wait till the next meeting and we'll know more. Chianese asked, have Corporation Counsel here? LeRoy answered, "no". Motion to **table** by Sabrina Charney. Second by Keith Prazeres. Motion carried unanimously.

5A Golden Hill Road

Regulated Activity # 558

Housatonic Habitat for Humanity

Assessor's Lot # H12265.

Date of Receipt: 5/26/04. *Single-family Dwelling.* Dainius Virbickas, P.E., came to the mic at 8:59 pm. He said the debris removal was discussed at the last meeting. Virbickas said, the last time I went out, I was lazy, so I went out there again after speaking with Scott LeRoy. The lower retaining wall had toppled over, the wall above the barn. Virbickas handed out revised plans to the Board Members. He addressed the lower existing retaining wall, re-grading the slope, removal of the concrete structure, debris and garbage from the property. It is ten feet away from the wetlands at the nearest point. It seems like a simple revision, Virbickas said, but it took a while to get it out of the office. Scott LeRoy asked where is the water and sewer. Dainius Virbickas said it is not shown on this plan, but he showed on the easel where they will be. LeRoy suggested a fence along the silt-fence line. Virbickas said, can do. LeRoy suggested a Conservation Easement. Virbickas said he cannot offer that without speak with his client. Chianese and Charney asked Virbickas to discuss a Conservation Easement with the client. Virbickas said, "I can ask them that". Chianese asked if there were any more comments, and LeRoy said, "I'm done". Kevin Russell made a motion to **table** the application. Ms. Charney seconded the motion, and it carried unanimously.

NEW BUSINESS:

Plumtrees Road

Regulated Activity # 560

City of Danbury

Assessor's Lot # M12003

Date of Receipt: 6/9/04. *Fire Training Facility Reconstruction. Admin. Approval requested for existing site.* Scott LeRoy took the dais at 9:06 pm. He said the old building used to be used for fire training for the City of Danbury fire fighters. They've been trying to do this for a long time. There are a lot of wetlands back there. I asked, I pleaded for a report on what the Fire Department uses, LeRoy said. Basically, it's wood, fire and water. We will not approve this tonight, but "it seems okay to me". Ben Chianese asked if they are asking for Administrative Approval. Sabrina Charney asked if they used chemicals. Scott LeRoy said, I have it in writing. I'm not going to approve it until after the next meeting. Secretary Lee asked if it should be moved to Administrative Approval. Keith Prazeres questioned the location on the wetlands and the City of Danbury application. LeRoy answered, "But it's existing"; it's there, it seems okay. Chairman Chianese said, as a point of order, the application came in under Administrative Approval. Mr. LeRoy said, until it's published, technically it's not approved. It will appear under Administrative Approval on the next agenda.

42-44 Briar Ridge Road

Regulated Activity # 562

Briar Ridge, LLC

Assessor's Lot # C16028

Date of Receipt: 6/9/04. *80 Multi-Family Units in 12 Buildings in a Class 2 Watershed.* Scott LeRoy said I haven't had time to review it. Ben Chianese volunteered that his parents live there and he grew up there. I have no issues on this and I will not step down. My recommendation is not to move it to Administrative Approval. Ms. Charney said it is in a Class 2 watershed. LeRoy said I recommend you wait until I review it. Charney made a motion to **table** this. Kevin Russell seconded the motion, and it carried unanimously at 9:15 pm.

1-3 Mannion Lane

Regulated Activity # 481 R

Lexington Crossing/ Baker Residential

Lots # K16119, K16120, K16125,

K16129, K17027.

Date of Receipt: 6/9/04. *Amendment to 3/31/03 Permit due to sidewalk.* Ron George, P.E., took the microphone and identified himself, from CCA, LLC. He said that Zoning has already approved this, but the change is because of the sidewalks. The Planning Dept. and Traffic wanted sidewalks on the north side. This will increase the pervious area 0.4%, and will slide the road over. Mr. George showed the previous plan with a layover of the revised plan on the easel. Scott LeRoy said things got pushed further away from the wetlands. This straddles both Bethel and Danbury. Ben Chianese asked if there will be the same plantings. Ron George answered that everything is the same. LeRoy said I usually approve of these, and I will. I have the power. It's better than before. It will be an Administrative Approval. Kevin Russell made a motion to **table** this. Keith Prazeres seconded the motion. The motion carried unanimously. Russell and LeRoy discussed the time clock on Administrative Approvals and the agenda.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL:

113 & 115 Clapboard Ridge Road

Regulated Activity # 499R

Damia Development / BRT
F09036, F09091.

Assessor's Lot # F08066, F09035,

Date of Receipt: 5/12/04. *Revised Site Plan for Cluster Subdivision.* Scott LeRoy said I haven't approved that yet. No action taken.

5 Maple View Lane

Regulated Activity # 559

Joseph A. Novella, Jr.

Assessor's Lot # L05022.

Date of Receipt: 5/26/04. *Single-family Dwelling & Pool.* Scott LeRoy said he is waiting for a new map from Mr. Novella, moving the house. No action taken.

ADMINISTRATIVE STAFF ACTIONS: None.

CORRESPONDENCE: None.

EIC ADMINISTRATION, OPERATIONS, & FUTURE AGENDA ITEMS:

47 Middle River Road

Regulated Activity # 557

James Blansfield

Assessor's Lot # E12001

Date of Receipt: 5/26/04. *4-Lot Single-family Subdivision.* **Public Hearing** to open 6/23/04. Mario Ricozzi, Public Utilities, e-mailed re: water company owned land. Scott LeRoy read the e-mail into the record.

15 Nabby Road. Scott LeRoy said the homeowners are building a very large retaining wall without a permit. Neighbors alerted the Mayor's office. Owners contacted City Hall 6/7/04 for EIC application. I did not issue a violation, LeRoy said. Ben Chianese asked where is 15 Nabby Road. Scott LeRoy answered it is a very narrow property. Next door has a big blue basketball court. The work was discontinued on 6/1/04.

23 Indian Avenue

Regulated Activity # 551

Cedars Property Owners Association Assessor's Lot # K40183

Date of Receipt: 4/14/04. *Beach, Retaining Wall. On-site meetings 5/18/05 and 6/9/04.* Scott LeRoy said I went out there today. They have removed the fill. It is very expensive to move the wall, but they moved the wall. They did not epoxy it yet. They've ordered their plantings. They are having a planting party. Ben Chianese asked, should we remove the Notice of Violation? Mr. LeRoy said, "You can remove it". We're writing a permit letter. Ms. Charney made a motion to remove Notice of Violation of 4/7/04 at 23 Indian Avenue. Second by Kevin Russell. The motion carried unanimously.

Reschedule regulations and fee update workshop: discussion tabled pending the return of Bill Mills from Norwalk, where he's caring for his ill father.

ADJOURNMENT at 9:05 pm. Next regularly scheduled meeting date June 23, 2004, at 7:30 pm.

Respectfully submitted,

Patricia M. Lee, Secretary