







they expected to get a decision from EIC. Mr. Mazzucco said they are supposed to vote on this at their meeting next week. Mrs. Emminger asked about the impact of the downstream runoff and drainage to the properties along Old Town Rd. Mr. Mazzucco said he did talk about it at the previous meeting, it will be along the wetlands, and the water is being diverted from the Vallee and Fairchild properties. He showed them where Mr. Cordeiro put in an under drain along the properties. Mr. Urice asked about the entrance along the main road and Mr. Manuel asked if there will be a retaining wall on both sides. Mr. Mazzucco said it will only be on the south side because of the wetlands, they will just grade down the north side. Mrs. Emminger asked how much tree cover do they expect to remove and if the lots are clear-cut, how will that impact the Lake and the downstream runoff. Mr. Mazzucco said Mr. Cordeiro is willing to work with the Commission now because he won't have control once the houses are sold. Attorney Marcus said they can put Covenants and Restrictions on the deed so trees of a certain caliper cannot be removed from the lots. He added that enforcing these things are difficult, but can be done. Mr. Keller asked if there will be homeowners association to maintain the detention systems. Mrs. Emminger asked the average caliper of trees up there. Mr. Mazzucco said it ranges from saplings to 18-20 inches in diameter. Mr. Urice said some of these are 100 year old trees. Attorney Marcus said they are willing to try to preserve as much of the forest cover as they can. Mr. Urice asked if there were any changes made to the open space and Mr. Mazzucco said that has not been changed. Mrs. Emminger asked about the conservation easement. Mr. Mazzucco said it is not shown on the plan because EIC did not require it, the applicant offered it to protect the area. He added that under the alternate plan, they would have to change it. Mrs. Emminger pointed out that the EIC hearing is closed and their plans show the easement. Attorney Marcus said if the accessways are approved by this Commission, then the conservation easement will be fine. If the alternate plan is approved, then they have to go back to EIC. Mrs. Calitro said they are asking EIC to approve a plan which is essentially different than what this Commission is looking at. Attorney Marcus said the plan that they are asking EIC to approve requires the Planning Commission to approve the plan with accessways. This Commission gets to look at both plans while EIC only looks at the one plan. Mrs. Calitro said they can't utilize the accessway statute to increase the density. Attorney Marcus said EIC can't approve a subdivision plan; they are only approving a regulated activity. He added that if they have to go back to EIC, it will be for a change to plan that they approved for the regulated activity. Mrs. Calitro said she just wants the Commission to know they are looking at 12 lots.

Chairman Finaldi asked if there was anybody to speak in opposition to this application and several people came forward.

Noel MacCarry, 4 Jackson Dr., read a letter into record (designated exhibit A). He reviewed some of the things that had been presented to the Environmental Impact Commission (EIC). He then quoted the POCD and reminded them that the future of the last woodland area in Danbury is in their hands. He said we just can't keep taking these beautiful farm lands and turning them into residential neighborhoods. He asked what the requirements are for open space or is it just land that no one wants. He said they need to protect this area and keep it from being destroyed.

Debbie Legg, 215 Great Plain Rd., said she is not exactly speaking in opposition. She expressed concern that the hillside will be clear-cut for this development.









