



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENVIRONMENTAL IMPACT COMMISSION
(203) 797-4525
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EIC Minutes
September 10, 2008

ROLL CALL:

The meeting was called to order by Chairman Bernard Gallo at 7:00 PM.

Present were: Jon Fagan, Bruce Lees, Matt Rose, & Bernard Gallo. Craig Westney arrived at 7:15 PM.

Staff present: Daniel Baroody, RS, MPH, and JoAnne V. Read, Zoning Assistant. Absent were Bill Mills, Alternates Mark Massoud & Jessica Soriano, and Secretary Patricia Lee.

Mills had let Bernie know, and Massoud let us know by email that they could not attend.

PLEDGE OF ALLEGIANCE:

Bruce Lees led the Commission in the Pledge of Allegiance.

SHOW CAUSE HEARING:

Restoration plan rec'd. 9/5/08 from Artel Engineering Group for 35 Miry Brook Road, Cease & Desist Order 4/3/08, E.W. Batista Family Limited Partnership (owner), La Pietra (former tenant).

Mark Kornhaas, PE, from Artel Engineering, thanked the Commission for their patience in resolving this issue, and referred to the Proposed Site Work, Wetland Remediation plan dated 8/7/08 prepared by Artel Engineering Group, LLC.

Dan Baroody said they need to get a permit for Regulated Activity and a Grading Permit. Based on the plan submitted tonight, they will be able to use that plan for both.

Mr. Gallo said they could close the Show Cause Hearing. Mr. Fagan said the applicant responded appropriately and did what was requested, so he made a motion to **close** this hearing. Mr. Rose seconded the motion and the motion carried unanimously.

OLD BUSINESS FOR CONSIDERATION & POSSIBLE ACTION:

once he received it, he immediately stopped the work. Mr. Baroody suggested they make this letter part of the record for this hearing. Mr. Westney asked if the house could be moved back any farther. Mr. Doto said they did testing and where they are putting it will create very little earth disturbance. Also the location of the reserve fields limited the location of the house. He added that they could move it a few feet away from the wetlands, but he has to look at the septic plan. He said because the house is lower on the site and has foundation drains, a distance must be maintained. The most it could be moved is 10 feet to the right, Doto said. Mr. Rose made a motion to **table** this. Mr. Fagan seconded the motion. The motion carried unanimously.

**262 Great Plain Road
Egret Properties, LLC**

Regulated Activity # 795 E
Assessor's Lot # J04197, RA-20 Zone.

Date of Receipt: 8/27/08. New SF residence construction, well, septic.
First 65 Days: 10/31/08. Second 65 Days: 1/4/09. Wana Rest. CCA, LLC.
FirstLight, & seepage analysis requested 5/14/08. Comments rec'd. 5/28/08 &
7/7/08 from CLA. Extension letter rec'd. 6/13/08. Letter & revisions from CCA rec'd.
6/25/08. Danzer comments rec'd. 7/9 & 8/13/08. Site visit 5/12 & 7/17.
Responses, revisions rec'd. 7/22/08. Septic plan rec'd. 7/30/08 for State Health
Dept. review. Scully rec'd. the State comments 8/27/08. CT State denial of septic
plan rec'd. 9/2/08.

Mr. Gallo said they had received a letter from Matt Scully at CCA requesting they table this. Mr. Baroody said before they table it he wanted to put on the record the letter from the State Health Dept. denying the septic plan. He said he spoke to Pete Dunn, and they have scheduled more test holes to find another area on the property for the septic, Baroody said.

Mr. Lees made a motion to **table** this. Mr. Rose seconded the motion. The motion carried unanimously.

NEW BUSINESS:

**100 Saw Mill Plain Road
Biodel, Inc.**

Regulated Activity # 812
Assessor's Lot # A17005, IL-40 Zone.

Date of Receipt: 9/10/08. Addition, new building, parking, improvements.
First 65 Days: 11/14/08. Second 65 Days: 1/18/09. Artel Engineering.

Mark Kornhaas, Artel Engineering, said this is a 22.6 acre parcel that straddles the Danbury-Ridgefield line. He said if you go up Sawmill Road past the Reserve property it is opposite Turner Rd. It used to be Micronosis.

He said there is an existing building there with a parking lot, and a manmade pool that is an architectural feature of the parcel. They are calling it the reflecting pool. Henry Moeller, Soil Scientist, looked at this for a previous application and again for this one and determined that there are no wetlands on the property. The reason they are before them tonight is because of the pool. He said the pool is fed by well water. Biodel wants to put up two buildings; research and development on the western portion of the site and manufacturing on the eastern side. They want to extend the pool as an architectural feature of the property. They propose to take the reflecting pool right up to the building. He showed them the rendering that was done based on a photograph. Kornhaas said this application focuses on the pool and the work

around it. Mr. Kornhaas said they have received a letter from the Town of Ridgefield and a copy should be in the file. Mr. Fagan asked Mr. Barody if he had looked at this. Mr. Barody said what they are hearing tonight is different than what he and Mr. Kornhaas had previously discussed when they did the on-site. Mr. Barody suggested they keep this on the agenda as a regulated activity. Mr. Fagan said he was going to motion to move this to Administrative Approval, but based on Mr. Barody's comments, he will not. Mr. Lees asked if there was fish stock in the pond, and Mr. Kornhaas said no; it is a dead pond. He added that they keep it clean and add color to the water to keep it attractive. Mr. Fagan made a motion to **table** this matter. Mr. Lees seconded the motion. The motion carried unanimously.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: N.A.

ADMINISTRATIVE STAFF ACTIONS: N.A.

ACCEPTANCE OF MINUTES: 8/27/08 Meeting: Mr. Fagan made a motion to accept these minutes as presented. Mr. Rose seconded the motion. The motion carried unanimously.

CORRESPONDENCE: N.A.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS: N.A.

ADJOURNMENT: Motion to adjourn by Mr. Rose at 7:45 pm. Second by Mr. Fagan. The motion carried unanimously.

The next regular meeting of the DEIC is scheduled for September 24, 2008, at 7 pm.