



## CITY OF DANBURY

155 Deer Hill Avenue  
Danbury, CT 06810

### *Environmental Impact Commission*

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### **MINUTES**

**September 24, 2008 - 7 pm**

### **Common Council Chambers**

Chairman Bernard Gallo called the meeting to order at 7:09 pm.

Present were Chairman Bernard Gallo, Jon Fagan, Matthew Rose, William J. Mills, a four-man board.

Absent were Bruce R. Lees (vaca), Craig D. Westney, Jessica Soriano, Alt. Mark Massoud, and Alt. Kurt Webber.

Staff present were Daniel Baroody, MPH, RS, and Secretary Patricia Lee.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Commissioner Rose at Chairman Gallo's request.

**PUBLIC HEARINGS:** None.

### **OLD BUSINESS:**

**119 Franklin Street**

**Regulated Activity # 810**

**Ridgewood Country Club**

Assessor's Lot # G13029, RA-40 Zone.

Date of Receipt: 7/23/08

Dredging, stormwater treatment train.

First 65 Days: 9/26/08. Second 65 Days: 11/30/08. CCA, LLC. R. Cameron. Site visit 8/5/08. Fish study 8/13, 8/27 & 9/10 pending. Dredging & stormwater improvement plans rec'd. 9/18/08. Fish study received tonight. Gallo introduced this item. Rod Cameron of CCA, LLC, came forward. We've received the fish study done by Bob Benson (Benson Environmental). I'd like to summarize his report. Basically he says that the short term impacts are outweighed by the long term results. One year out from the dredging he recommends doing a fish count, Cameron continued, and then restocking or stocking to provide a balance of species that are in the pond; that would put the pond back in balance. Gallo said we just got this study today; Dan has not had time to review it. Dan Baroody said the Health Department and Staff recommend we just table this to go over the fish report. Mills made a motion to **table**. Commissioner Rose seconded the motion. The

motion carried unanimously. Fagan said I hate to bring this up, but do we need an extension letter?

**132-134 Padanaram Road**

**Regulated Activity # 811**

**John & Carolyn Otto**

Lots# E06047,E06048,E06054, RA-80 Zone.

Date of Receipt: 8/13/08.

Residential two-lot subdivision.

First 65 Days: 10/17/08. Second 65 Days: 12/21/08. Benjamin V. Doto, III, PE. Site walk 9/18/08. Doto took the mic at 7:14 pm and identified himself. We had a site walk last Thursday and not all of you were there, so I'll go over what was discussed. At the last meeting we had presented a mitigation planting plan, to delineate where the yard would be and where the undisturbed wetland boundary is. Commissioner Westney asked could we move the house. During the site walk last week, Doto said, we felt that we could shift it a little bit: about 10 feet to the west and about 10 feet to the south. I just have not had a chance to sit down with Mr. Otto. I will run it by him. Similar to what we have on lot one, the boulder boundary is proposed to delineate the buffer area. We agreed a similar one be constructed on lot two. That would better delineate the wetlands. This is a gentlemen's back yard. Padanaram Brook continues to run in that direction. After I get the thumbs up on moving the house, we'll come back, Doto said. I looked at Henry Moeller's report. What, Dan, do I specifically have to ask Henry for, Doto inquired. Baroody replied a functions and values study, and the other wetland too, comparing the two. Doto said Moeller does discuss the proposed impact. But I'm sure some of you have been there or by there. Doto asked are there any questions? Chairman Gallo asked are there any questions? Fagan made a motion to **table**. Mills seconded the motion. The motion carried unanimously at 7:18 pm. An extension letter will be needed per Ben Doto and Secretary Lee.

**262 Great Plain Road**

**Regulated Activity # 795 E**

**Egret Properties, LLC**

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 received the State comments 8/27/08. CT State denial of septic plan rec'd. 9/2/08. Tabled 9/10 per CCA, LLC, waiting for information from State. Baroody said we have a letter from CCA, LLC, requesting we table this. Fagan made a motion to **table**. Mills seconded the motion, and the motion carried unanimously.

**100 Saw Mill Plain Road**

**Regulated Activity # 812**

**Biodel, Inc.**

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. No objection by Town of Ridgefield 9/12/08. Planting plan & revisions received 9/22/08. Screening report by D. Baroody 9/24/08. Dan Baroody came to the mic, saying this is actually a manmade reflecting pool. The applicant has put all the plans in compliance with the Department, and we recommend approval with six conditions of approval. Mills said I see that condition one is just for phase 1. Baroody said correct; the plans that we have are for two phases. The second phase is the manufacturing building. There are no wetlands up there, Baroody said. I recommend we approve phase one. Fagan said I appreciate the applicant submitting an enhanced planting plan. Fagan made a motion to **approve** EIC application # **812** as a summary ruling with six conditions of approval. Mills seconded the motion. The motion carried unanimously at 7:21 pm.

**NEW BUSINESS:**

**2 Broad Street**

**Regulated Activity # 814**

**Antonio Ramos & Antonio Narciso**

Assessor's Lot # K12270, IL-40 Zone.

Date of Receipt: 9/24/08.

B. Doto, III, PE / A & A Ironworks.

First 65 Days: 11/28/08. Second 65 Days: 2/1/09. Commercial building construction. Gallo introduced this item and Ben Doto again came forward. Doto identified himself, stating this is A & A Ironworks. The site is a small quarter acre site just before Old Newtown Road, currently the location of A & A Ironworks, and Mr. Doto described what they do there. We are here not because they have wetlands, but because the Still River is across the street; the site is within 100 feet of the Still River. Doto described the vicinity using the plan on the easel, Drawing No. C01. There's an embankment that goes down to the River. It was pretty obvious where the edge of the River was. Site currently houses a structure: a residential house and an office here, pre-existing, nonconforming. The proposal is to tear everything down, and build a two story office here with showers for workers and office space upstairs, and the manufacturing downstairs. The Use is one of those new one requiring a Public Hearing by Planning. We will have the Public Hearing in Planning starting, I think, next month, Doto said. They did spend a long time going through the Zoning Board of Appeals. They received many variances to get where they are. The ZBA dictated where the building is going to be. We actually have a reduced impervious area. A detention system is not required on the site. The water all sheet flows to Broad Street, crosses here, and drops into the River. Catch basins with sumps are proposed, Doto continued. They have City water & sewer. There's no landscaping or pervious area now to speak of, if you drive by it. Mills said I don't know that much about metal finishing; is there any residue or chemicals used in metal finishing? Doto and Gallo both said this is not metal finishing. Doto explained this is more grinding and shaping of metal. Our sumps and catch basins will catch that; and most of it is done inside where it will be swept up. There are a lot of punches in ornamental gates. I'm not sure if they do the painting on site. It's pretty much a welding shop, Doto concluded. Dan Baroody had no comment except to recommend they table this as a new application. Motion to **table** by Commissioner Rose. Second by Mills. The motion carried unanimously.

**115 Mill Plain Road**

**Regulated Activity # 815**

**Danbury 6 Associates, LLC**

Assessor's Lot # C14070, CA-80 Zone.

Date of Receipt: 9/24/08.

Trader Joe's Expansion/Danbury Green.

First 65 Days: 11/28/08. Second 65 Days: 2/1/09. E.J. Frattaroli, Inc. Gallo introduced this item at 7:29 pm, and no one came forward from the audience. Fagan said going once. Motion to **table** by Commissioner Fagan. Second by Commissioner Mills. The motion carried unanimously. (John Pugliesi, PE, arrived later as the meeting was adjourned at 7:42 pm. Attorney Neil Marcus arrived after the meeting had recessed.)

**7 Backus Avenue**

**Regulated Activity # 816**

**Danbury Mall, LLC/Douglas H. Morrow** Assessor's Lot # F17002, CG-20 Zone.

Date of Receipt: 9/24/08.

Stantec Consulting Svcs.

First 65 Days: 11/28/08. Second 65 Days: 2/1/09. N.P.D.E.S. Permit. (National Pollution Discharge Elimination System Permit)

Dan Baroody said I communicated with Bill Buckley and they would like to be heard at the next meeting October 22, 2008. Motion to **table** by Mills. Second by Fagan. The motion carried unanimously.

**41 East Pembroke Road**

**Regulated Activity # 817**

**Pavilion Holdings, LLC**

Assessor's Lot # H09134, RA-40 Zone.

Date of Receipt: 9/24/08.

Asmar Ahmed - proposed church parking.

First 65 Days: 11/28/08. Second 65 Days: 2/1/09. CCA, LLC. (See also ZBA **08-19** variance.) Rod Cameron again came forward, saying he is the project manager, representing or in place of Russ Posthauer. The proposed activity is to create a parking lot. The current use of the building is a day care center. This will be a less intensive use. In order to provide the required parking, the area behind the building is the only area available. Gravel driveways and parking area are proposed. It has an existing septic system, and we checked with the City sanitarian, and that's okay as long as we don't lower the grade. We've planned a stormwater management system. Essentially there is no impact on the wetland with the proposed development, Cameron said. Also, we are collecting the roof drainage and putting it into an underground galley system. Chairman Gallo asked is that the day care center that has been closed for a while? Mills asked how far is the gravel parking area from the wetlands? Cameron said I don't have my scale with me; about 25 or 30 feet. On the property itself, it looks like the closest is about 25 feet. Mills said my concern is church services: in the winter time we have snow and plowing. Cameron said it slopes down this way and that extends down there. You cannot plow beyond the parking lot itself due to the posts required by the Planning Department. Mills said I have no other questions. Commissioner Rose made a motion to **table**. Mills seconded the motion. The motion carried unanimously at 7:25 pm.

**27-39 Miry Brook Road**

**Regulated Activity # 819**

**E.W. Batista Family Ltd.Partnership** Assessor's Lot # F19009, IL-40 Zone.

Date of Receipt: 9/24/08.

Wetland restoration.

First 65 Days: 11/28/08. Second 65 Days: 2/1/09. Artel Engineering Group, LLC. Former tenant, La Pietra. Cease & Desist order sent 4/3/08. Restoration plan rec'd. 9/10/08 from Artel Engineering. Screening report by D. Baroody 9/24/08. Gallo introduced this application. Dan Baroody said I'd like to place on the record my project impact report, and Baroody gave a brief history of the notice of violation. The plan shows over 5000 sq. ft. of wetlands to be restored. I talked to their engineer, and they are ready to start the work before the winter. I recommend that you approve this, Baroody said. Fagan said he'd like to comment to the applicant, saying I appreciate that you responded exactly when you said you would, and Fagan complemented Dan Baroody on turning this around so quickly. Fagan made a motion to **approve** by a summary ruling with 3 conditions of approval. Chairman Gallo asked are there any remarks? Mills seconded the motion, and the motion carried unanimously.

**APPLICATIONS FOR ADMINISTRATIVE APPROVAL:** N.A.

**ADMINISTRATIVE STAFF ACTIONS:**

Chairman Gallo read the following Administrative Approvals done by Dan Baroody:

**8 Casper Street**

**Regulated Activity # 441 R**

**Mankind Corporation**

Assessor's Lot # J14271,J14272, IL-40 Zone.

Storage shed on pad in existing parking lot. Artel. Moved 8/13/08 to Admin.Approval. Proposed contents of shed rec'd. 9/15/08. Admin. Approval by D. Baroody 9/18/08.

**Still River Greenway, Eagle Road**

**Regulated Activity # 818**

**City of Danbury**

Jack Kozuchowski, Consultant / Dreamscapers, LLC

Herbicide injection for knotweed 9/22/08. Admin. Approval by D. Baroody 9/18/08. Commissioner Rose asked did Jack take the injection. Mills asked I believe a corporation is paying for this? Baroody replied the Branson Company; Mel Powers is the owner, and he donated the cost of the experimental injection. Mills asked would it be proper to send a thank you note to Mr. Powers? I'd like to say thank you, Mills added. Bernie will send one, Chairman Gallo said. Fagan said many companies have stepped up to the plate in this particular area. Mills said, oh, they have? I wish more would do so.

**ACCEPTANCE OF MINUTES:** 9/10/08 Meeting. Motion to accept the minutes as presented by Commissioner Rose. Second by Fagan. Motion carried unanimously. Fagan said we missed our minute-taker though.

**CORRESPONDENCE:**

CACIWC 31<sup>st</sup> Annual Meeting & Conference, Saturday, November 8, 2008, Wallingford, CT.

CT State DEP 9/17/08 correspondence to Tilcon & DOT re: Route #7 south reconstruction violations corrective actions.

**EIC ADMINISTRATION & FUTURE AGENDA ITEMS:** None.

Mills asked Gallo does the Chairman want to go to the CACIWAC 31<sup>st</sup> Annual Meeting. Gallo replied no.

**ADJOURNMENT:** Motion to adjourn by Mills. Second by Fagan. Motion carried unanimously at 7:42 pm.

The next regular meeting of the DEIC is scheduled for **October 22, 2008**, at 7 pm.