



**CITY OF DANBURY**  
155 Deer Hill Avenue  
Danbury, CT 06810

*Environmental Impact Commission*

*www.ci.danbury.ct.us*

*203-797-4525*

*203-797-4586 fax*

**MINUTES**

**November 12, 2008**

**7 pm - Common Council Chambers**

Next regularly scheduled meeting December 10, 2008.

The EIC meeting was called to order by Chairman Bernard Gallo at 7: 05 pm. Present were Gallo, William J. Mills, Craig D. Westney, and new alternate Derek B. Roy.

Absent were Jon Fagan, Matthew Rose, and Alternates Mark Massoud, Kurt Webber, and Jessica Soriano.

Roll call was done. Derek Roy was welcomed by Chairman Gallo.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by William J. Mills at Gallo's request.

**PUBLIC HEARINGS:** None.

**OLD BUSINESS:**

**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. Extension ltr. received 9/25/08. Revised plans received 10/7/08. Danzer report received 10/15/08, with soils report & response from engineer 10/20/08. Site walk 11/5/08. Impact report by D. Baroody 11/10/08. Chairman Gallo introduced this application at 7:08 pm. Ben Doto, PE, took the mic saying I do not have anything to add; Dan has his report. Daniel Baroody, MPH, RS, took the microphone, identified himself, and read his general comments. The applicant has worked with the Health Department, and Baroody stated the ratio 4.1 to 1 for this project. Gallo asked are there any questions? Baroody said Staff recommends a summary ruling with eight conditions of approval as shown on page 4. Lees made a motion to **approve** with the eight conditions of approval. Mills seconded the motion. The motion carried unanimously at 7:10 pm.

**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 received 5/28/08 & 7/7/08 from CLA. Extension letter received 6/13/08. Letter & revisions from CCA received 6/25/08. Danzer comments received 7/9 & 8/13/08. Site visit 5/12 & 7/17. Responses, revisions received 7/22/08. Septic plan received 7/30/08 for State Health Department review. Scully received State comments 8/27/08. State denial of septic plan received 9/2/08. Tabled 9/10, 9/24, 10/22/08 per CCA, LLC. Extension letter received 10/22/08. Gallo asked we still don't have any other information on this? Matt Scully, PE, of CCA, LLC, said we are still waiting for comments from the State regarding the Department of Public Drinking Water. Mills made a motion to **table**. Lees seconded the motion. 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. Site walk 11/5/08. Gallo introduced this item, and Rod Cameron, Project Manager with CCA, LLC in Brookfield, came forward. Russ submitted a letter in response to some question this Commission raised. Russell Posthauer, Jr., PE, (CCA Vice President) believes the amount of cover is sufficient for this location. There was a request that we keep the parking area 30 feet away from the wetland. Posthauer indicated that that would be impossible to achieve in order to get those 31 spaces due to the geography of the site. The City requires that many spaces. In addition, he provided a sketch regarding the potential snow storage areas on the site. Those answer the questions that were raised. Gallo noted there is some dumping in the wetlands that has to be cleaned up. And he's got other violations that don't pertain to this Commission: no permits for the work inside; the motor vehicles on the site. Mills explained why the EIC requested 30 feet. Mills said if you can't, what is the closest point in feet? Cameron replied I don't have a scale with me. It looks like about 20 feet. I could give you a definitive answer on that. Mills said Zoning really has to wait for us. I believe there's two well heads, not too far apart. Why is there two? Cameron said I don't know why there's two. I could find out and get that information to you. Mills said when you say there's going to be a foot and a half, and it's ample, I believe it's going to be gravel; what bothers me, since it's gravel versus blacktop, that's as far as the snowplow blade can go; I've expressed my concern. I don't feel comfortable with it, that would seem to maybe go in deeper. That's all of my questions, Mills concluded. Baroody said we can have Peter Dunn, our sanitarian, look at that. Cameron said I believe what Posthauer meant was that Peter Dunn looked at this, and asked for some type of fencing. Cameron answered I think early on the Planning Department asked us to install posts to define the parking spaces. There was not any plan to put something in. I would think that a wood guard rail would be a more appropriate device. Cameron told Mills he will come back with a plan. Gallo asked are there further questions? Dan, do you have anything to say? Lees made a motion to **table** this item. Mills seconded the motion. The motion carried unanimously at 7:21 pm. Motion carries, Gallo declared.

**28 Tamarack Avenue**

**Regulated Activity # 821**

**Casali Construction, LLC**

Assessor's Lot # I11127, RA-8 Zone.

Date of Receipt: 10/22/08.

Single-family home construction.

First 65 Days: 12/26/08. Second 65 Days: 3/1/09. CCA, LLC. Site walk 11/5/08. Impact report by D. Baroody 11/12/08. Gallo introduced this application, and Matt Scully, PE, from CCA, LLC, put his plan on the easel. He introduced himself again on behalf of Casali Construction, LLC. If it's okay with the Commission, I will discuss #821 and #822 together, unless you have some objection; they have the same owner and are adjacent to each other. The southern lot has an existing house which will be demolished; we already have the demo permit. The lots were staked for the site walk. I know some of you visited the site. Scully discussed the parking, the garages, approval for a sewer extension; water will be brought in. I have a colored rendering so you can see what it will look like. That's to be demolished. There are no wetlands on the site, Scully continued. Padanaram Brook is west of the site by about 40 feet, and it's held right to the front setback lines on both lots. The 100-foot review area cuts through in the back. These are very small lots. These are modest sized houses. They will be on slab; grades in the rear will be kept as they are today; we don't plan on filling. We'll use silt fence until the lawn and vegetation is established. Lees said I tried to make the on-site; I could not. My concern was the layout of the houses; would they blend with the neighborhood. Westney said I have just a question on the grade: what's the grade from the houses to the Brook? Scully said probably about 4 to 5 feet; we will keep the grading so the lawn will discharge to the brook, from the roof. Westney said I could not go on the site walk, and he asked about the tree line. Scully said there are two large trees on lot 30; cottonwood trees, and a small apple tree behind the house which will be removed. Everything will be re-established to what it is today. Gallo said it is not much today. Westney had a question for the engineer: that will remain in the natural state it is? And the property line? Scully showed Westney where. Gallo asked are there any further questions? Daniel Baroody, MPH, RS, identified himself, saying I'd like to place on the record my staff report. Through the Chair, you were going to do them one at a time. Staff is recommending a summary ruling to approve #821 with the 8 conditions on pages 4 and 5. Gallo asked are there any questions? Westney asked is there any drainage of catch basins that drain directly to the brook? Scully said regarding the condition number 6, we wanted "to place on the records". Baroody said okay; we can strike condition number 6. Scully said we agreed to put the split rail fence up. Westney said if they had further activity, they would have to come back before us. Baroody explained somewhere in there we can require they put up a barrier or buffer. Westney said I'm referring to condition 6.a. on the recording of the restrictions prior to the C.O., is there any standard language, because it is in the regulated area? No, it's due to the City regulations, Baroody said. Lees made a motion to **approve #821** with the 7 conditions of approval, deleting number 6. Mills seconded it, and the motion carried unanimously at 7:33 pm.

**30 Tamarack Avenue**

**Regulated Activity # 822**

**Casali Construction, LLC**

Assessor's Lot # I11126, RA-8 Zone.

Date of Receipt: 10/22/08.

Single-family home construction.

First 65 Days: 12/26/08. Second 65 Days: 3/1/09. CCA, LLC. Site walk 11/5/08. Impact report by D. Baroody 11/12/08. Baroody said we are going to eliminate condition 6 on this one too. Baroody said I submit my staff report, with the same comment: the applicant has worked with the Health Department to move the house away from the wetland, and we're eliminating condition number 6. Gallo asked are there any questions? Baroody said we'll require a split rail fence as well on this one, condition #4. Gallo said it's on here. Westney

made a motion to **approve #822** with 7 conditions of approval, striking number 6. Mills seconded the motion. The motion carried unanimously.

**NEW BUSINESS:**

**4 Maple View Lane**

**Regulated Activity # 823**

**Albert J. Salame, III**

Assessor's Lot # L05017, RA-80 Zone.

Date of Receipt: 11/12/08.

Single-family home, well, septic, driveway.

First 65 Days: 1/16/09. Second 65 Days: 3/22/09. Michael J. Mazzucco, PE. Chairman Gallo introduced this new business. Mr. Mazzucco is coming before us. Lees said, as a point of information to Mazzucco, I went to an eye doctor today, so I'm wearing sunglasses. Mazzucco introduced himself saying he is representing the applicant, Albert J. Salame III. I think originally on the cul de sac there were maybe six houses. As it slopes down, you can see that purple line there. This was approved; part of the subdivision, and the house size changed a little bit, and to allow for a pool, so we revised the plan making room for the pool. The system is called a Mantis system, that's really where we are. We have moved up, pretty much, almost as far as we can. Mazzucco gave Secretary Lee the green certified mail card for alerting Brookfield. We've got 66 feet from the septic system to the wetlands. Gallo asked is that a town road? Mazzucco replied you know Nabby Road; it takes that sharp turn over here, then it heads to Nimer's; those two subdivisions back up to each other. I think in total there were about 10 lots in that subdivision, Maplevue Subdivision. Lees had a question on filling. Mazzucco said whatever we are taking out in the excavation, we are putting in in the front, and Mazzucco explained it is relatively flat in the area that we're working on, front to back. Then it starts to drop off, from where the silt fence is down to the wetlands. Mills said I'd like to do a site walk. I request that the wetlands be flagged, and the septic and corners of the house be staked. And notify Pat when it's done, and we can go out, the sooner the better. Westney said I have not seen many Mantis systems come through. Do you do them a lot? Mazzucco explained they are approved by the State, and it's not as labor intensive to put in, so it's a nice product to use. Lees asked you said it was approved before? Mazzucco said the subdivision was approved, but I thought it had changed enough to warrant coming back in to the Commission. Mazzucco explained his feeling on the individual lot, the subdivision. It was probably five years ago. It does have relevancy. Lees said I'm trying to save you some money. Westney interjected the proposal had a different septic system; it was not detailed like this. Mazzucco explained the more detailed plan now. Baroody said also the septic system is closer to the wetlands than the original subdivision. The pool kicks the septic system down the hill. I think that's proper, coming back to the EIC. Lees had a question on the system being within 100 feet of the wetland. Lees and Mazzucco discussed the 66 feet. Westney said I do have a question: in looking at this and understanding, the septic system has moved, making room for a future pool; it looks like it could be almost pulled back further. Westney and Mazzucco discussed maybe reducing the encroachment. Mazzucco said I'd have to check on the elevation; I could look at pulling this up maybe fifteen feet. I've got to be careful, the contours; it's not completely flat out there, and he explained spreading the whole thing out. We'll take a look at that. Gallo asked is there anyone else? Lees made a motion to **table**. Mills seconded the motion, and the motion carried unanimously at 7:48 pm. Gallo and Mills said thank you, Mike.

**APPLICATIONS FOR ADMINISTRATIVE APPROVAL:** None.

**ADMINISTRATIVE STAFF ACTIONS:**

Dan Baroody took the mic. Is there any questions? Mills asked what's a biofuel tank? Baroody said they are just adding another tank, taking vegetable oil mixed with the fuel oil. The drainage remains the same, and a large separator is installed, so nothing there changes. Gallo noted the following four Administrative Approvals:

60 Shelter Rock Road, Regulated Activity # **739 R**, 60 Shelter Rock Road Assoc., LLC, Lot # K15107, IL-40 zone, Revised site, grading/utility plan, B. Doto, III, PE.

32 Seminole Drive, Regulated Activity # **566 R**, James B. McKee, Lot # F10023, F10046, RA-40 zone, SF dwelling, septic after lot line revision, D. DiVesta, PE.

28 Waterview Drive, Regulated Activity # **813**, Linda Storhoff, Lot # I07015, RA-20 zone, Two-story rear deck.

9 Federal Road, Regulated Activity # **820**, NEMCO Limited Partnership, Lots # K12161, 12158, CG-20 & IL-40 zones, Site work for new biofuel tank, by Daniel Baroody, RS, MPH.

**ACCEPTANCE OF MINUTES:** The 10/22/08 meeting: motion to approve these minutes by Lees. Second by Mills. Motion carried unanimously at 7:50 pm.

**CORRESPONDENCE:**

Steel storm drain marker provider Almetek in Hackettstown, NJ, ([www.almetek.com](http://www.almetek.com)), "No Dumping, Drains to River". Baroody said in your packet, you have something; this shows you a marker: "No dumping. Drains to River". Baroody said this is just another variation on our requirement to mark the drainage, and Baroody explained how it would be installed. Lees remarked that this has relief, putting the medallion on top of the drain. The painting wears off; new construction we should require that storm drains have a medallion. Derek Roy asked a question on what do we require now? How much do they cost? Lees said, yes, we should keep this on file; it's one shot; it does not wear off. It looks fairly reasonably priced. Baroody said it is an option, and we could use it. Westney discussed the size, the installation; could a snow plow catch the edge, so its size may be a concern. Gallo said that's going to be up to the petitioner. Westney said we don't want it to be popped right off by a plow. The Commissioners discussed the size of the medallion. It's only aluminum; it's going to be torn off. Lees discussed the piece of concrete. Westney said the ones I've seen have been oval and discussed practicality (Tape 1 flipped to side 2). Baroody said we could do it at our next site walk. Westney said I just don't want to approve it if we can't use it. All discussed standardizing the marker. Mills and Westney discussed the costs, the minimum order; that's the applicant's problem. Lees said I'll give Almetek a call and ask about the retro-fitting and the installation. Baroody said, through the Chair, when we require a storm drain be marked, we give them options, and the developer works out an option that pleases the client and the Commission. This is just another option. Commissioners discussion continued regarding maintenance; if you want to put it in the regulation; working with the applicants; what works for their site. Baroody said, as Pat (Lee) said, we are not recommending any particular provider or style.

**EIC ADMINISTRATION & FUTURE AGENDA ITEMS:**

Reminder: December elections 12/10/08. Nominations will be from the floor, voting will be

done that night. Any questions, Gallo asked?

Welcome to our new EIC Alternate: Derek Benjamin Roy, WCSU student, Volunteer Fire Fighter, approved by Common Council 11/6/08. Gallo reiterated the welcome.

**ADJOURNMENT:**

Motion to adjourn by Mills. Second by Derek. Motion carried unanimously at 8:01 pm.

The next regular meeting of the DEIC is scheduled for **December 10, 2008**. The meeting scheduled for November 26, 2008, is cancelled.