



**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

ENVIRONMENTAL IMPACT COMMISSION  
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**DRAFT MINUTES**

**December 10, 2008**

**Common Council Chambers 7:00 PM**

Next regularly scheduled meeting date **January 14, 2009**

The meeting was called to order at 7:14 pm by Chairman Bernard Gallo. Present were Gallo, Bruce R. Lees, Matthew Rose, William J. Mills.

Absent were Craig D. Westney, Alt. Derek Roy, Jon K. Fagan

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

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

**OLD BUSINESS:**

**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 Dept. 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 ltr. received 10/22/08. Revisions, responses received 12/4/08. Final letter from State Health Department 12/8/08 regarding the well. This

petition was introduced by Matthew Scully, of CCA Engineering. Scully explained what he's been doing with the State Health Dept., Mr. Chris Roy, concerning the drinking water. He basically said the wells on the lot do not constitute a water system, but are under the jurisdiction of the Health Dept. Scully discussed his conversations with Peter Dunn, City Sanitarian, referring to the proposed site plan; he showed where the two wells are located. The road system is encompassed within the entire Wana Rest site. Scully discussed the wells, where each services, and the proposed additional well for the proposal. Egret Properties, LLC, owns the wells. Scully discussed the separation distances requested by Dr. Steven Danzer, and the artesian well company that does the maintenance up there. The wells are within the 75 ft. well radius and do not need to be increased. The letter from the State says the wells do not constitute a public water supply, Scully continued. Egret Properties, LLC, has nothing to do with this water line; we are going to relocate it farther away from the septic system. The structure Mr. Dunn is referring to is a temporary erosion control hay bale fence. Scully discussed where CCA had tested, within the eastern portion of the roadway system. Egret Properties, LLC, will grant an easement for the construction of this. We added details on the plan as requested, and he described these: curb, pervious pavement, sheet flow on the driveway, C-900 sleeve extension, and correction of the typos on the plan. Matthew Pawlik's comments for The State of Connecticut Dept. of Public Health in August were also discussed. We agree with number 3 and 4, overseeing and inspection, Scully said. Since we received the letter from the State, I then submitted the final copy of the State letter, because the State had not responded to us until that time. The plans have since been sent back to the Health Department, who sent them back to the State. We do not foresee any problems that would arise. Gallo asked are there any questions.

Mills said it seems to me, knowing that we are running out of time; it still seems we are still waiting for something from the State; as a Commissioner I have no idea what they will say. Is the application complete?

Dan Baroody identified himself and responded no, the application is not complete. Since we last met, the Health Department has written abatement orders for at least one septic system at Wana Rest. Baroody defined what an abatement order is for Bruce R. Lees. Lees asked is there a house there? Baroody said one of their cabins is on the lot in question. Bill Mills said our hands are really tied: you can't get another extension; I'd ask the applicant to withdraw the application, or we would have to deny the application # **795E** now. I'll make that in the form of a motion, Mills said.

Attorney Neil Marcus took the mic, identified himself, and said Bill Lavelle thought the Commission was focused on the wells and the septic systems, neither of which are the purview of this Commission. I would ask the Commission approve the proposal with the condition that these items get approval from the Health Department. It's not fair to the Commission. I don't know how much time you've spent on this. On the abatement order, that will require them to come through with a whole new application; that's a different application. Bill Lavelle asked me to be here tonight, Marcus continued. Those issues are really the Departments of Health and Hartford. The question is how does that impact the decision. Gallo discussed the previous application saying you had not satisfied the needs of the Health Department. Marcus replied it did not satisfy the needs regarding the septic and well. Mills asked no one will second my motion (to deny)?

Bruce Lees said we don't have a report from Dan Baroody; we usually get a report from you.

Baroody answered I don't have a review because we don't have all the information from the State, and then this information we received the end of last week. Lees asked Baroody if the approval went forward, would it fix the other issue? It would not fix that septic problem anyway. Baroody said the septic problem has to be addressed. To approve an application

that has outstanding violations on it, that's up to you guys, Baroody said. Lees said I agree with Commissioner Mills. Matt Scully said just to clarify the abatement orders were placed for the failing septic systems; going to the map on the easel, he described what is already in place. Cabin 18 has burned down. Egret will grant easements to repair those septic systems, Scully said. As Marcus stated, that's something that has to be addressed, but that could be a condition of approval.

Mills made a motion to **deny** EIC **795E** as incomplete. Lees seconded the motion. The motion carried unanimously at 7:35 pm.

**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. Extension letter received 12/10/08. Gallo introduced this at 7:36 pm as Rod Cameron identified himself at the microphone. At the last meeting, I believe Dan was going to submit something to Pete Dunn. I did not see the agenda, so I don't know if that has been submitted, Cameron said. Was the system appropriate for that location? CCA believes it is appropriate. The other issue that was raised is the dumping on the site. They are trying to keep up with people using it as a dumping site. Someone will be on site if this is approved and we move forward. Mills said the point is it's only 20 feet from the wetland edge. And the parking, the gravel, the snow, plowing; this will even lessen the depth between the septic system. Why do you have two or three well heads sticking up? And I said what kind of fencing is proposed, and I don't remember your response. Where are you going to put the snow, and what about safety concerns during church functions? RC: the City has required that we put up posts to mark the parking spaces, making it more difficult to plow the snow over the edge. We could provide some sort of a guard rail, a post & rail guard rail system; we could show that on our plans. My understanding is that the depth of the system right now is okay; it's been approved by Pete (Dunn). We could certainly put down some pervious pavement, but we have to manage the runoff from that; perhaps a vegetated swale going to a riprap swale. I don't know what the other comment was from Peter Dunn. We would be happy to look at that, and we can come back with that proposal, Cameron said. Baroody identified himself. Baroody said our City sanitarian has not yet completed his review, and also, it was brought to Staff's attention that there may have been illegal filling of wetlands out there. We suggest this be tabled to give us more time, Baroody said. Rod Cameron proposed I meet with Dan and take a look at those areas. Lees said a post and railing fence may not be enough, or some other type of alternative to deal with snow. Cameron said I understand where you are coming from; something four feet high. Mills made a motion to **table #817**. Lees seconded the motion. The motion carried unanimously at 7:43 pm.

**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.

**WITHDRAWN** 12/2/08 per Michael J. Mazzucco, PE. Gallo announced the withdrawal.

**3-5 Sugar Hollow Road**

**Regulated Activity # 762 R**

**Sugar Hollow Road Associates, LLC**

Assessor's Lot # G17002,G17019, CG-20 Zone.

Date of Receipt: 12/10/08.

The Shops at Marcus Dairy

First 65 Days: 2/13/09. Second 65 Days: 4/19/09. Artel Engineering Group, LLC.

Review and reconsideration of EIC **762**, Backus Avenue and Sugar Hollow Road, Condition #1, based on monitoring wells. Danzer comments received 12/8/08. Dainius Virbickas, PE, and Neil Marcus, Attorney at Law, appeared to represent Sugar Hollow Road Associates, LLC. Gallo introduced this at 7:45 pm as Neil Marcus identified himself and Dainius Virbickas of Artel Engineering Group, LLC. What brings us before you tonight is compliance with conditions issued previously; the developer on Parcel B must provide evidence that this is not a regulated area. Marcus read through the conditions. That's all taken place; that's all been submitted, Marcus said. Paragraph 2 we think does not apply at all now. Paragraph 3 does apply, and Marcus read about the restoration plan, the replacement habitat, the plants reviewed by Staff, all required prior to any grading permits. We'd like to start the process for grading permits. We've look at this with Dan, your consultants, our consultants, and we submitted the new plan and planting plan prepared by Matt Popp. So we've done all that. We'd like to get a sign off on this condition, Marcus said. In the interim, the Planning Commission did grant the site plan, the special exception, and the flood plan; they are all approved. We want to know that we can move forward with the project. You may recall that I came before you just for a bridge crossing about three years ago that was denied by this Commission, as you felt that it did not serve any purpose. That appeal has been languishing in the court until last month, when Judge Reynolds said you either return the record, or show me that it's been resolved; and Pat does not have to spend her Christmas vacation typing meeting transcripts. Baroody said I want to put on the record that the permit holder has satisfied all the conditions required on Parcel **B**. Dr. Danzer reviewed the same material and he came to the same conclusion regarding the conditions. Gallo said we don't have to vote. Baroody said I'm stating that he's a permit holder, not an applicant, and he has satisfied the conditions approved back a year ago. Mills said he had an inquiry: I have no problems with the crossing. But Parcel **A** we approved way back when, and we were told that the parking would suffice as far as flood storage goes. I attended the Planning meetings, and I saw the changes to the buildings, so I want to know what's happening to Parcel **A**. Marcus responded we've actually made that a smaller storage area. Dainius Virbickas, PE, identified himself, and moved the easel closer. I have prepared two maps: plans as they were approved by the Commission, and then I colored in a map that was approved by the Planning Commission. They look identical, but there were changes made, which Virbickas described: the crossing was widened out, and the flood plain storage, per the City Engineering Department; that during a storm event there be no more than one foot of water during a 100 year storm. So we modified the design drawings, which Virbickas explained. The parking lot will still pool water, but it will not reach an elevation of more than a foot. Again, this is all in theory. Based on our calculations, FEMA, Army Corp information, Virbickas said there won't be an increase of the

Kissen Brook by more than 3/8 of an inch\*. Marcus said the floodplain on 10/1/08 was adopted by the Planning Commission, SE#663, and it outlines the maps that Dainius Virbickas has in front of you here. That was a long process, and well dialogued with three engineers, and they compromised, and they came out with a better flood control than we had originally proposed. Gallo said it sounds good, but do they have the authority to change something that we wanted? Baroody said at some point they will have to come in with a permit modification for revised plans. Gallo asked does the Planning Commission have the authority to change things? Baroody said the permit holder is telling me that it is okay to change things. Marcus said no one can change your decision. Dan's absolutely right. We have to come back to you at some point, submit to you revisions to the plan, and you need to sign off to any change to parcel A. They can make changes for them, but not for you, Marcus said. Gallo said I want this on the record. Marcus added you've got to understand the whole process, and Marcus explained what a tenant could theoretically request, and that happens from time to time, and you will see us back; there's no question. Gallo said I'm just questioning how it was done. Marcus and Gallo agreed. Mills thanked the applicant for explaining. Dainius Virbickas said I correct that to half an inch\*. Marcus said to Secretary Lee, Pat, we will withdraw the appeal.

**NEW BUSINESS:**

**85 Beaver Brook Road**

**Regulated Activity # 824**

**CTX Concrete Foundations, LLC**

Assessor's Lot # K11146, IG-80 Zone.

Date of Receipt: 12/10/08.

New equip.storage building/ G.Galhardo

First 65 Days: 2/13/09. Second 65 Days: 4/19/09. Artel Engineering Group, LLC. Mark Kornhaas, PE, of Artel Engineering Group, LLC, came forward as Gallo introduced this item. Kornhaas identified himself, and described the vicinity, just south of the Route 7 underpass, and the neighbors, and the Still River. It's a pretty small lot in an industrial zone. It has been developed for quite some time, and is currently being used as a residence (Tape 1 flipped to side B), and Kornhaas described where the property is already disturbed. The purpose of our application is to redevelop the site, get rid of all the small buildings, organize the parking, pull it away from the River, and erect one larger building, and Kornhaas discussed the distance to the Still River. There will be quite a bit more green space, a significant per cent change. Gallo had a question about where's Morgan Avenue, which Kornhaas explained. Danbury Plastics is right here. Kornhaas gave further descriptions of what CTX Concrete Foundations, LLC, does, and what is on site at Beaver Brook Road: concrete pump trucks, very expensive, so they want to put them indoors, and a machine for floating and vibrating concrete. This would probably be a vast improvement over what's existing. Lees had a question on the existing catch basin outlets to the Still River. Kornhaas said good question. There is a floodway and a floodplain. What we're doing to allow this building to go up, removing the buildings and reducing the grading, we will remove that, and it will be a grassed area. He pointed out the vicinity on the plan. Lees said I'd like to see something that would break that out better; a footprint of the structures, dimensions, distances. Kornhaas said we are definitely doing work in the flood plain; we are pulling it back. Kornhaas said they clean all the trucks on the site, and any drains would be connected to the sanitary sewer existing on the site. Dan Baroody said I recommend you table it for review. Mills asked Kornhaas to mark the corners of the

buildings; spray paint is okay. Mills said I see you have a greenway all around the building, and I had a question on the crushed stone. I want to see the new proposal. Kornhaas said we would pave the surface, with the heavy equipment coming and going here. Kornhaas described the current runoff and the proposed storage and renovative plans. Mills asked for some kind of maintenance plan.

Lees made a motion to **table**. Rose seconded the motion. The motion carried unanimously at 8:11 pm.

**44 Payne Road**

**Regulated Activity # 825**

**Nejame Development, LLC**

Assessor's Lot # N12004, IG-80 Zone.

Date of Receipt: 12/10/08

Building addition, incl.parking, drainage.

First 65 Days: 2/13/09. Second 65 Days: 4/19/09. R.J. Gallagher, Jr., PE. Ralph Gallagher, PE, came forward and identified himself for Nejame Pool. The application is to expand the current site plan for the building expansion. It's currently a very small area; right across from Buff Lane, and Gallagher described their activities. There's no wetland on the property. In the deed at the sale, there is the right to drain through that property to the south and west, MRF, LLC. So before you is a plan to expand the building, the gravel parking, abandon the septic system, keep the current well, construct storm retention, with planting around the entire perimeter; it's almost that simple. Mills said stake the building corners; I'd like to do a site walk. Lees asked about some type of filtration for the parking lot runoff. Gallagher said there will be oil booms, and larger storms would go into the catch basins; we can add something to filter the water; a basin that big, 5 cubic feet per second; we have more than twice what we need in storage. Lees said it's chemicals; a commercial site, now and in the future, so we want the correct runoff filtration. We would ask this of any other applicant. Also, you have some structures, some encroachments, Lees said. Gallagher replied those are just trailers there. Lees said maybe put some type of fencing in there to make good neighbors. Gallagher said the neighbors here get along okay. Lees said thank you.

Motion to **table** by Rose. Second by Mills. The motion carried unanimously at 8:17 pm.

**26 Waterview Drive**

**Regulated Activity # 826**

**Russell Neumann**

Assessor's Lot # I07016, RA-20 Zone.

Date of Receipt: 12/10/08.

Garage & SF residence additions, drainage.

First 65 Days: 2/13/09. Second 65 Days: 4/19/09. F.G. Fowler, PE, LS. Continue this to 1/14/09 per the applicant, Gallo announced. Lees made a motion to **table**. Mills seconded the motion, and the motion carried unanimously.

**2 National Place**

**Regulated Activity # 150 R**

**PM Danbury, LLC (Paul Mitchell)**

Assessor Lot # I14267, C-CBD Zone.

Date of Receipt: 12/10/08.

Enclose portion drive-through canopy.

First 65 Days: 2/13/09. Second 65 Days: 4/19/09. Artel Engineering Group, LLC. Gallo announced this item, as Dainius Virbickas, PE and Atty. Neil Marcus again came forward. Virbickas identified himself on behalf of Paul Mitchell, the School. We are here tonight because the property is within 200 feet of the Still River. Virbickas described the channel, the retaining wall, the intersection of White Street at National Place. He explained what's proposed to what was previously a bank. For the most part the bulk of the work is removing some asphalt, reshaping, handicapped-accessible parking and some sidewalks. Four catch basins are on site. We are not expecting any huge flows. We will protect the catch basin with hay bales, and the final catch all, there is a vortech swirl concentrator. They'd like to move into the school sometime this winter. Lees said I'd ask that you label those drains. Virbickas said I did not find a maintenance agreement (EIC # 150), but we can certainly put one in place. It was 1997; you're aging yourself, Virbickas said. Mills asked about plantings. Virbickas described the grass and landscape elements. Mills asked for pines, holly, laurel, rhododendron; I want it to look nice. Lees asked Baroody is this something that could be moved to Administrative Approval? Baroody said I've met with the engineer, and I have no problem with doing an Administrative Approval. Lees reiterated a maintenance agreement for the Vortech unit. Lees made a motion to **move this to Administrative Approval**. Mills seconded the motion, and the motion carried unanimously at 8:25 pm.

**77-83 Mill Plain Road**

**Regulated Activity # 827**

**Shurgard Storage Centers, LLC**

Assessor's Lot # D14032, CA-80 Zone.

Date of Receipt: 12/10/08.

Stabilization of site, self-storage facility.

First 65 Days: 2/13/09. Second 65 Days: 4/19/09. 5.541 acres. Tighe & Bond. Joseph Canas, PE, of Tighe & Bond came forward and said I'll try to keep it brief. Canas identified himself, representing Shurgard Storage Centers, LLC. Canas oriented the Commissioners with the site, the vicinity. Matt Rose identified the location of Century-21-Lombardi office. Canas described the history of the application; the revision that was approved; the contractor began to excavate into the slope in the rear, and during that process went bankrupt. And construction came to a halt. Slope and erosion controls have deteriorated, Canas explained, and now the swale spills on to the slope. Shurgard Storage Centers, LLC, was served with a Notice of Violation, and since that time they've been purchased by Public Storage. A new application was requested. The only change on the retail office is the lighthouse design was removed, Canas said. The concepts are the same, he explained; but the change that we made is from two inlets into the pond; we eliminated the one on the western side of the site. So we consolidated the number of outlets; it's easier to maintain. There's no net in peak flow; we looked at this in two scenarios. Stabilization's key is to divert water away from the top of the slope, and Canas described how this could be accomplished; minimize the steepness of the reconstructed slope, and he explained the underdrain under the slope area. Canas pulled up a section of the slope on the easel, the detail here in the center: Sheet SE-9, "Details". It does not heave because it is free-draining. Next Canas displayed Sheet SE-3A, "Riprap Limits Plan". The remaining slopes will be hydro seeded, increasing stability. Another comment from October was that there were no plantings. So we propose a planting plan and revised sedimentation and erosion control drawings, Sheet SE-5, to refresh the controls that are out there and also

install stone check dams, and some additional protections around the pond. That concludes my presentation. Canas asked are there any questions at 8:34 pm. Mills said I go by there everyday; is there no kind of retaining wall proposed? Canas described the underdrain; in this area it's difficult because we don't have a good survey of the area, so it will be more of a field condition; we'd look for some hard riprap armoring. Mills and Canas discussed the prevention proposals to prevent further slope failure, the riprap, holding the slope in place. Lees said could we request an elevation? Canas said it would hard to display; you may mean a section. Sure, Canas replied. Lees added I would request some type of labeling on all the drains. Canas explained the water treatment train for Lees; from the pond, into the City's drainage system, into the State drainage system, and then to a ditch to finally discharge to the Still River. Lees said I would love to have proper labeling. Mills said I'm sure you're going to put some replacement fencing there. Rose said there are deer that walk right up to the edge of the slope. Baroody said I recommend you table for review. Lees made a motion to **table**. Rose seconded the motion. The motion carried unanimously at 8:39 pm.

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

**ADMINISTRATIVE STAFF ACTIONS:** N.A.

**ACCEPTANCE OF MINUTES:** Motion to approve the minutes from the 11/12/08 meeting as presented by Lees. Second by Mills. The motion carried unanimously.

**CORRESPONDENCE:**

89 Triangle Street, EIC #796, Danbury Rent A Truck, approved 6/25/08, soil sampling and clean-up is complete per Alan Lourenco & NorthStar Environmental Management, LLC.

**EIC ADMINISTRATION & FUTURE AGENDA ITEMS:**

Vote to accept 2009 EIC Meeting Schedule as presented. Motion to accept the schedule as presented by Lees. Second by Rose. Motion carried unanimously. Lees emphasized the Jewish calendar.

December elections 12/10/08 is the final item on the agenda, Gallo said. Lees asked do we have nominations open? Mills placed the name Gallo for Chairman. Rose seconded the motion. Lees said the motion is closed. Jon Fagan, our Secretary is not here, but motion for the Secretary to cast one vote for Gallo as Chairman. Gallo said now I get my salary increase. Vice-chairman Bruce R. Lees was nominated by Mills. Rose seconded the motion. Jon Fagan the Secretary casts one vote. Next is the election of the Secretary, Gallo said. Mills nominated Jon Fagan. Rose seconded the motion. Move that the Vice-chairman cast one ballot to make Jon Fagan Secretary for the 2009 Commission.

**ADJOURNMENT:** Motion to adjourn by Mills. Second by Rose. Motion carried unanimously at 8:44 pm.

The next regular meeting of the DEIC is scheduled for **January 14, 2009.**

This is a DRAFT only, not yet formally adopted and approved by the Commission.

Respectfully submitted,

Patricia M. Lee