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Environmental Impact Commission
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DRAFT MINUTES

February 11, 2009

7:00 pm

Common Council Chambers

The January 28, 2009, meeting was cancelled due to inclement weather. The next regularly scheduled meeting will be February 25, 2009.

Chairman Bernard Gallo called the meeting to order at 7:05 pm. Present were Gallo, Bruce R. Lees, Jon Fagan, and Alt. Derek Roy. Absent were Mark Massoud, Craig D. Westney, Matthew Rose, and William J. Mills. Staff present were Daniel Baroody, MPH, RS, and Secretary Patricia Lee.

The PLEDGE OF ALLEGIANCE was led by Bruce R. Lees at Chairman Gallo's request. Thank you, Gallo said.

OLD 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 equipment storage building/ G.Galhardo.

First 65 Days: 2/13/09. Second 65 Days: 4/19/09. Artel Engineering Group, LLC. Maintenance, location & floodplain info. Rec'd. 1/13/09. Site walk 1/27/09. Business description, alternate plans rec'd. 2/10/09. Screen report by D. Baroody 2/11/09. Gallo introduced this item as Mark Kornhaas, from Artel Engineering Group, LLC, took the mic. Kornhaas thanked the Commission for walking the site. As requested at the last meeting, we submitted two other alternatives; Plan A that you see on the board. The other two I can go through them, if you'd like. I can do it briefly. Plan A you are currently reviewing. Kornhaas described the problems with alternative #1; it is not any better than what is out there right now. Now, Plan C is our least favorite. It has the house right up against the

building; we don't want to do that obviously. What we are currently proposing on A, we feel that it is the best. There are a lot of other little reasons in the narrative. I also submitted what they do on the site. They don't clean up their vehicles on the site. All these questions are Bill Mills', Kornhaas said. I have done that; I can submit it (Site Maintenance Plan). Kornhaas said I tried to incorporate all his concerns, and he passed out the Long Term Site Maintenance Plan dated 1/12/09. This is revised. There's a lot of common sense stuff here. Kornhaas asked are there any questions? Gallo asked do you have guard dogs on the property? Kornhaas said yes, there are dogs on the property. Gallo said Commissioner Mills asked when you clean the pens, do not throw the detritus into the river. Kornhaas replied I hope he does not do that. Bruce R. Lees asked for fencing, and he and Kornhaas agreed on the fencing, the gate, and the lawn. We talked about it on site, Lees said. Kornhaas said you can condition that; to block trucks from going right down to the water. Dan Baroody said it's in the report. Jon Fagan clarified that that is covered in condition four. Baroody said Staff is recommending a summary ruling for Plan A. It's in a regulated area of the Still River, and the approval would be with 7 conditions. Condition 4 talks about the fence, and wire can be substituted for a split rail fence, Baroody said. Jon Fagan said I would never speak for Commissioner Mills. Fagan made a motion to **approve** with 7 conditions of approval. Lees seconded the motion saying I did go to the site walk and, if I could speak through the chair, we're upgrading the building; we're improving a condition that is already there, in a floodplain. So I'm in favor of it; improving the conditions of a commercial site. Gallo asked are there any remarks, questions? The motion carried unanimously at 7:14 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. Site walk proposed after snow melts. Dan Baroody took the mic, saying due to the snow cover and freezing conditions, we had to postpone the site visit. His attorney submitted drainage rights documentation; there were violations on the property to the south. Lees said we're still going to have a site visit. Lees made a motion to **table** this to the 2/25/09 meeting. Fagan seconded the motion. The motion carried unanimously.

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, report, site plan rec'd. 2/9/09. Gallo introduced this item, and Fowler and Neumann came forward at 7:16 pm. They introduced themselves. Fowler said I'm the project engineer; you all have a copy of the plan. Fowler described the vicinity: a home built in 1959 on Waterview Drive. Neumann has owned it since 1996, and he would perhaps use it for year round use. He proposes some modest improvements. There is a great deal of sensitivity about Candlewood Lake. We will offset that runoff with Cultec devices; they will pick up the roof

and the blacktop driveway runoff. There is no place to do it down near the house itself, Fowler said. A trench down by the bottom will feed those Cultec rechargers, and he described the previous sheet flow down to the Lake, the catch basin, the 4" pipe, the riprap swale, and the 440 contour. And I'm open to any comments anyone will have, Fowler said. Commissioner Lees suggested the Candlewood Lake Authority review the plan. Neumann said they already have copies of everything you have. Secretary Lee asked will Larry Marsicano be sending us a report? Neumann replied you may have to ask him for that. I did not ask for it. Baroody said the City sanitarian is reviewing the septic system, and I'd like to get comments from Larry Marsicano. Lees made a motion to **table** this. Fagan seconded the motion. The motion carried unanimously at 7:22 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. Riprap Limits Plan rec'd. 1/5/09. Site walk 1/21/09. Site utility plan rec'd. 1/27/09. Screening report by D. Baroody 2/11/09. Joseph Canas, PE, set up the plan on the easel and took the mic. Canas of Tighe & Bond identified himself. At the previous meeting, the Commission asked us to re-evaluate the pond, and we have submitted new plans that do show a deeper wet pond area, and an additional four feet for a pocket pond. Canas described what a pocket pond is. We did provide the calculations. We did a site walk, and the primary concern was the amount of ground water that is bleeding out of that site. So we are proposing some mid-slope underdrains to handle the bleeding, Canas said. This was actually recommended by Staff. We also received the Staff report, and ownership has no objections with any of the conditions. Chairman Gallo said when we were up there that day, it was bleeding. Canas described the series of underdrains, pushing that swale as close as possible to the property line. In our fill section here, we will buttress the slope, and we do have an underdrain at the bottom, to prevent cracking. Gallo asked what about on the left. Canas answered you can't put an underdrain on the rock, but we are proposing one maybe a third of the way up, which is where the water rides. Canas showed the contour to the Commissioners on plan SE-3A. Dan Baroody identified himself at the microphone and said I want to submit my Staff report for the record. Staff is recommending a summary ruling, and on the last page are the 7 conditions of approval, and condition four addresses the fence, which we can discuss with the applicant. Fagan made a motion to **approve** EIC 827. Derek Roy seconded the motion. The motion carried unanimously at 7:28 pm. The motion carries, Gallo confirmed.

22 Shelter Rock Lane

Regulated Activity # 828

His Vineyard Christian Fellowship

Assessor's Lot # L15006, IL-40 Zone.

Date of Receipt: 1/14/09.

Construction of church with parking.

First 65 Days: 3/20/09. Second 65 Days: 5/24/09. Benjamin Doto, PE. Site walk after ice melts. Soil report rec'd. 1/20/09. Staking done 1/26/09. Danzer report received 1/28/09.

Chairman Gallo introduced this item at 7:30 pm. Benjamin Doto, PE, set up his plan CO1 plan on the easel and identified himself, saying he is representing His Vineyard Christian Fellowship. The weather cancelled your last meeting. Staking was done the last week of January, Canas said. With the warmer weather, you can see much better, so we are ready for another site walk. We also received a letter from Steve Danzer, Ph.D., and I want to go over some of his comments. I think all of you were here at the last meeting, but I'd be glad to go over the project again if you want. I strongly disagree that we are causing a substantial adverse impact; I don't feel we are doing that, Doto said. Number two is the crossing. We need a crossing on this property and Danzer suggested we should consider different methods. Getting from point A to point B, you do think of many things. A bridge is not a reasonable method of crossing. Doto described the vicinity; and the footing a bridge would require, coming way out of the ground. Bridges typically cross a severe depression, and I think the Commission will see that at the site walk. We're filling up to an area that has already been filled. In the past, Doto continued, when I've done something like this, I've proposed a gabion wall, and that's an alternative that we could do. Why we didn't do it here, referring to sheet CO4, the cross-section of the driveway, it limits the disturbance into the wetland, and Doto discussed other kinds of retaining walls and their impacts on the wetlands. It does provide a little bit more draining, more habitat for chipmunks, but we felt what we did with the reinforced concrete was reasonable. Henry Moeller will try to put a narrative together about the soil and vegetation, but we are bound by the timing of our application submittal. Ellen Heinz will do our planting plan; a landscape architect. We also just got this yesterday, a letter from the City traffic engineer, Abdul Mohammed. You are not going to want to hear what he says. He wants a wider driveway, at least 60% of the width; roughly about an additional 1300 sq.ft. We are not proposing that at this time. Personally I don't agree with him. This is a church. It's services will be on Sundays. There will be no traffic then. I don't think a left turn lane is warranted. I don't know if that's something that the Commission can give their opinion on, and we can give that opinion to Abdul. I almost need a little help from you guys on that, or I can try to see what I can do with Abdul, Doto said. We just got that yesterday. Gallo asked are there any questions? Bruce R. Lees asked Dan Baroody have you prepared a report requesting a Public Hearing? Dr. Danzer did that report, Baroody said, and Abdul will require even more filling. The discussions can be handled during the Public Hearing session. I agree with Mr. Danzer, Baroody said. Jon Fagan said in item one, Danzer does not say what the substantial adverse impact is. I don't believe this warrants a Public Hearing. This property is zoned light industrial, so you can have a lot worse things there than a church. You do more harm than good with the building of a conspan bridge, Fagan continued. Number three: I can understand the need for an environmental impact report from Mr. Moeller. The time frame he talks about, we have been through this before, and it didn't prove out. I know mitigation is on the proposed plan. But if Danzer wants to put together what the substantial adverse impacts are; but this Commissioner is against a Public Hearing. Bruce R. Lee said I kind of agree with Commissioner Fagan. I'd like to table this tonight, and maybe ask the applicant to come up with a second alternative that includes the three traffic lanes. Baroody said, well, Danzer's report is just a preliminary report. Baroody discussed the regulations that specify a significant impact and when a Public Hearing is warranted. But it's your decision, if you don't want to go to a Public Hearing. But I happen to agree with him. Baroody and Lees and Gallo discussed having enough time to decide at the next meeting, and it also gives us time for the snow to melt, and I want to do a site walk before any Public Hearing opens. Fagan added, one more thing, no disrespect intended; have you had the opportunity to talk to Abdul Mohammed? Doto replied I just got it today. Fagan said would it be helpful to put together a meeting with Abdul, so that Ben can understand

his concerns, and we can understand his concerns; just a suggestion. Baroody said I'm just seeing this tonight, so in Abdul's mind he's probably thinking public safety, which usually trumps wetland impact; but I'd need to sit down with the traffic engineer and with the applicant, Baroody said. Lees said if you don't need the 3 turning lanes then, don't do that alternative. Doto said I just want to add one thing. About half of the wetland we are taking off the site is a stone ditch, an intermittent watercourse wetland. We tried to minimize our impact with the travel lane width. I'll give him a buzz. And maybe there's something in between; I am just thinking to myself, but I also need to let Abdul know what the Church's schedule is. Lees asked can Danzer come to our site walk? Baroody said I think Danzer needs more information, the functions and values assessment; his hours are limited, but maybe he can. Baroody said it's up to the applicant when he gets the functions and values report to us. We're asking for that. Doto said we'll see when we can get it done by. I need to talk to Henry (Moeller). Lees made a motion to **table**. Fagan seconded the motion. The motion carried unanimously at 7:51 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 rec'd. 12/10/08. B-100, revised site plan & ltr. rec'd. 1/22/09. Vote tonight. Rod Cameron from CCA, LLC, project manager, took the mic. At the last regular meeting, there was a request made for us to provide a B-100, and we also updated our site plan to show the elements, the fencing and the parking area in a paved condition, and we also prepared an analysis of the water quality in the parking area; the calculations we submitted. Cameron discussed the infiltration trench capacity and the capture of the first flush off the parking lot. I'd like to remind the Commission also that the people that are occupying this site don't have many cars, so we're just trying to comply with the zoning requirements for this facility. Fagan asked has the applicant had a chance to review our draft report? Why don't we give you a moment to review it? Gallo referred to page three. Cameron reviewed the screening report by Dan Baroody at the microphone at 7:56 pm. Cameron said I'm not sure that we didn't provide an alternative; in terms of providing alternatives, due to the characteristics of the site, there is no alternative. Any alternative would be more of an impact on the wetland, Cameron said. In regard to the existing stormwater system structures, so I don't know where that comes in. We demonstrated the capacity of the primary treatment system which is identified in the 2002 Stormwater Management Handbook. Our client and we have no knowledge of the history of that site, with regard to any past filling wetland violations. Gallo asked Cameron did you address it at all? Cameron replied during all the meetings, we have asserted that we know of no past filling wetland violations. Jon Fagan said so the answer is you didn't know. Cameron said our answer is that our client has no knowledge of, nor has he caused, any filling of the wetlands on the property. This is a pre-existing condition. Our client has no knowledge of how the site got to be the way it is today. He is not responsible for whatever activities occurred on the site before he purchased the property. We did address that question at previous meetings, Cameron said. Gallo said we saw the violation when we did the site visit. Cameron said are you suggesting that our client has to address what the existing topography was when he purchased it? Gallo replied, well, you will have to take that up with Staff and with Corporation Counsel. Cameron said the law does not require that we be responsible for

something that he did not do. That's the law. This project has been here for quite some time. We had a snow storm unfortunately. But we believed that we had addressed all concerns. The plans were signed and sealed by Russ Posthauer, PE, and we addressed that. Gallo said there are many items here that Staff says have not been addressed. We have a letter that states specifically in response to your question from Russ Posthauer. That was the answer, Cameron said. Gallo asked about some additional concerns in the Staff screening report. You are going to have to address all of these with Staff. Cameron said I appreciate that. The difficulty is that Staff has recommended denial, and we believed we'd addressed all of that. Gallo said you are out of time anyway. Jon Fagan added there may be a respectful difference of opinion that the application is complete or not. The time has run out. There is no other option for this Commission but to deny the request. You can resubmit the application. Fagan continued, I'll make that a motion to **deny** application #817 based on the draft report dated 2/11/09 by Dan Baroody. Commissioner Lees seconded the motion. The motion carried unanimously at 8:06 pm.

NEW BUSINESS:

49-51 Backus Avenue

Regulated Activity # 831

4244, LLC

Assessor's Lots #E18005, E18006, IL-40 Zone.

Date of Receipt: 1/28/09.

Prof. office building, parking, driveway, utilities.

First 65 Days: 4/3/09. Second 65 Days: 6/7/09. D. DiVesta, PE. Application postponed to 2/25/09 (Fagan recused). Gallo said we are postponing the new business until the next meeting.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: N.A.

ADMINISTRATIVE STAFF ACTIONS:

46 Maple Avenue

Regulated Activity # 829

Cruz Matos (E.M. Auto Repair, LLC)

Assessor's Lot # I13015, IL-40 Zone.

Date of Receipt: 1/14/09. Auto repair shop reconstruction. Administrative Approval was done by Dan Baroody on 1/15/09. This action was read into the record by Chairman Gallo.

CORRESPONDENCE:

Aquatic Pesticide Permit Application from Lycott Environmental, Inc. for Jensen's Inc. Swan Lake algae.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS: N.A.

ACCEPTANCE OF MINUTES: 1/14/09 Meeting. Motion to accept these minutes as presented by Commissioner Lees. Second by Jon Fagan. The motion carried unanimously.

Regarding 46 Maple Avenue (EIC 829), Cruz Matos, Jon Fagan asked if we are going to let Baroody say anything about Mr. Matos building. Baroody clarified the history of the application and the Administrative Approval for EIC **829**.

ADJOURNMENT: Motion to adjourn by Jon Fagan. Second by Commissioner Lees. The motion carried unanimously at 8:10 pm.

The next regular DEIC meeting will be held on February 25, 2009.

Respectfully submitted,

Patricia Lee, Secretary

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