



CITY OF DANBURY
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Environmental Impact Commission
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DRAFT MINUTES

August 12, 2009

Common Council Chambers - 7 pm

Chairman Bernard Gallo called the Danbury Environmental Impact Commission meeting to order at 7: pm. Present were Gallo, Bruce R. Lees, Matthew Rose, Jon Fagan, Mark Massoud, Alt. Derek Roy. Absent were Bill Mills, Craig D. Westney. The meeting opened with four Commissioners. Matt Rose is on the way, Gallo said. Staff present were Daniel Baroody, MPH, RS, Patricia M. Lee, EIC Secretary.

The Pledge of Allegiance was led by MM at Chairman Gallo's request.

OLD BUSINESS:

40A Payne Road

Regulated Activity # 767 R

MRF, LLC / David Tinker

Assessor's Lot # M13001, IG-80 Zone.

Date of Receipt: 5/27/09. Sand, gravel plant w/ wetland crossing.

First 65 Days: 7/31/09. Second 65 Days: 10/4/09. A Cease and Desist Order was issued 3/2/09. Site visit done 7/13/09 by Danzer and Baroody. Extension letter received 8/12/09. Revised E & S plans received 8/12/09. Commissioner Lees made a motion to **table**. Massoud seconded the motion, and the motion carried unanimously.

41 East Pembroke Road

Regulated Activity # 817 R

Pavilion Holdings, LLC

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

Date of Receipt: 6/10/09. Asmar Ahmed – proposed church parking.

First 65 Days: 8/14/09. Second 65 Days: 10/18/09. CCA, LLC. Screen report 7/6/09 by D. Baroody. Subsurface sewage disposal system (SSDS) approval received 8/4/09 from Peter Dunn, Sanitarian; revised SSDS plan received 8/6/09. Screen report by Daniel Baroody 8/12/09. Russell Posthauer, PE, identified himself from CCA, LLC, at the microphone and said at the last meeting we were asked to do this without asphalt, and since that time you have received a revised subsurface sewage disposal system plan. Dan

Baroody said I just want to place in the record my screening report. We were ready to approve this last time, but there was a slight change to the septic system: the gravel, and the staff recommends a summary approval with the nine conditions. Derek Roy made a motion to **approve** with nine conditions of approval. Commissioner Lees seconded the motion. The motion carried unanimously at 7:13 pm. Chairman Gallo asked are there any questions or remarks. The motion carries.

63 Spruce Mountain Road

Regulated Activity # 842

Mario Luis

Assessor's Lot # G21006, RA-80 Zone.

Date of Receipt: 6/18/09.

SF dwelling, well, septic.

First 65 Days: 8/22/09. Second 65 Days: 10/26/09. Artel Engineering Group, LLC.

Topo/A-2 Survey received 6/22/09. Tabled per engineer 7/8/09. Site visit required. Chairman Gallo announced this application, and Dainius Virbickas, PE, of Artel Engineering Group, LLC, in Brookfield, CT, came forward. This is an application for a single-family home to be built, and Virbickas described the size of the lot, the access driveway; home located in the back, only an eight-foot wide gravel drive; we intend to widen that without incident, and I believe at the last meeting the Commission was going to schedule a site walk; if you've gone out to the site. Chairman Gallo commented we have not done a site walk yet; probably next week. Everything is staked off and where it should be, Virbickas said. Baroody said Staff would ask to table this till a site walk is done. Commissioner Lees made a motion to **table**. Massoud seconded the motion, and the motion carried unanimously.

4 Lower Lake Road

Regulated Activity # 843

Viktor & Irina Mackevics

Assessor's Lot # F09063, RA-40 Zone.

Date of Receipt: 7/8/09.

Restoration of disturbed areas, pond.

First 65 Days: 9/11/09. Second 65 Days: 11/15/09. B & B Engineering. Survey & second revised restoration plan received 7/30/09. Screen report by Daniel Baroody 8/12/09. Chairman Gallo introduced this item at 7:17 pm, as Brian Nesteriak, of B & B Engineering in Seymour, CT, took the mic and put the plan on the easel. At the last meeting we were to schedule a meeting with Dan Baroody, Nesteriak said. We sat down with Mr. Baroody and talked about changes to the plan. Mr. Baroody has done his report, and that is where we stand today. Baroody identified himself as being from the Health Department, and as the engineer said, he has worked with the Health Department, and they'd like to get started this month in the "quote dry season". Chairman Gallo asked are there any questions for Dan Baroody? Commissioner Lees asked nine conditions? Massoud asked Baroody, Dan, these areas are all disturbed now? Baroody said I defer to the applicant. Bryan Nesteriak said if you look down on the north end of that property you will see a dashed line, and that's the limit of disturbance today approximately. Massoud asked no ground cover? Nesteriak said, well, it is seeded and it's grown, and he put some hay out and silt fencing; but it does need to be rough graded and seeded. Nesteriak described the sloping, and that will be top-soiled, and on that steep area we will put an erosion control blanket. Gallo announced let the record show that Matt Rose is here, please, at 7:22 pm. Commissioner Lees made a motion to **approve** EIC 843 with nine conditions of approval. Rose seconded the motion. Massoud

asked is a bond being asked for? Nesteriak replied yes: in Mr. Baroody's conditions when the grading permit is obtained, the bond will be required, and the bond amount will be based on the cost of plantings, as Baroody and Nesteriak agreed. The motion carried unanimously at 7:24 pm.

NEW BUSINESS:

8 Golfview Drive

Regulated Activity # 844

John O'Hara

Assessor's Lot # L08006, RA-40 Zone.

Date of Receipt: 8/12/09. aka, Valleyview Road, SF residence, well, septic.

First 65 Days: 10/16/09. Second 65 Days: 12/20/09. R. Gallagher, PE. Moeller's soil report received 8/12/09. Chairman Gallo introduced this petition, but John O' Hara is not here. Lees made a motion to **table** this item. Roy seconded the motion. The motion carried unanimously.

66 Chambers Road

Regulated Activity # 845

Barbara Wagner

Assessor's Lot # E08023, RA-40 Zone.

Date of Receipt: 8/12/09. Response to 4/09 NOV, restoration / planting plan.

First 65 Days: 10/16/09. Second 65 Days: 12/20/09. Dr. Gene McNamara, ESM Associates, requested POSTPONE to 8/26/09 due to a scheduling conflict. Chairman Gallo introduced this, and said Dr. McNamara asked that this be postponed to our next meeting. Commissioner Lees made a motion to **table** this. Rose seconded the motion, and the motion carried unanimously.

45 Saddle Rock Road

Regulated Activity # 846

Peter Hankovszky

Assessor's Lot # E08017, RA-40 Zone.

Date of Receipt: 8/12/09 Single-family dwelling, well, septic, driveway.

First 65 Days: 10/16/09. Second 65 Days: 12/20/09. Artel Engineering Group, LLC. Chairman Gallo introduced this application as Dainius Virbickas, PE, took the microphone. Chairman Gallo introduced this Saddle Rock Road application. Dainius Virbickas, PE, identified himself, representing Mr. Peter Hankovszky. The property, Virbickas said, has been in existence for quite some time. It is located on the east side of Saddle Rock Road, and about 3/10 of it is wetlands. There is a catch basin that courses down. The Hankovszky's have owned the property for quite some time. I guess when the City corrected a flooding problem for the neighbors next door, the flooding worsened on this site. It discharges into Kohanza Reservoir. In addition to the wetland, there is also a well that provides water service to this development, so there is a waterline that bisects through the northern property line, and water gets distributed throughout the development. They have asked that I put a modest sized home on the property, Virbickas said. It will be sometimes

as close as 16 feet to the wetland, and there will be also a wetland crossing, roughly 52 feet long, crossed with a 12-foot wide driveway. Filling will be required, and to let the City 24 inch storm drain to pass the flows that come from the City drainage site. On a positive note, site does have sanitary sewer available, which bisects the lot on the western end of it, and clips across in a southeasterly direction. There will be a water system; we don't need to drill a well for drinking water purposes. Again, there are wetlands on the property, and it's a rather small lot, and we are looking to develop it. The Commission will probably want to take a walk out to the site. Virbickas said I'd be happy to answer any questions you might have. In response to Commissioner Lees, Virbickas said I don't have any mitigation plans yet. Commissioner Lees suggested, since the site is so small, could you propose some off-site mitigation; some projects that might be out there? You're taking away 1600 sq.ft of wetlands. Commissioner Lees continued just keep that in mind. Dainius Virbickas said we could stabilize the City drainage, I don't know; to that end we can help out. Commissioner Lees said I would ask that the applicant be there for the site walk. You are going to stake it for us? Baroody added and the house four corners. Roy and Lees said stake the crossing, the driveway, and the wetlands. Dainius Virbickas said the wetlands were delineated by Tom Pietras, soil scientist, a reputable soil scientist (in Cheshire, CT). Roy made a motion to **table** this until we do a site walk when the flagging is done. Lees seconded the motion, and the motion carried unanimously at 7:32 pm.

John O'Hara showed up at 7:26 pm (EIC 844).

John O'Hara said it's Golfview Drive, in answer to Gallo. Commissioner Lees said we cannot accept this document, with this typo Goldview Drive.

O'Hara said he would correct that.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS: NA

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: NA

ADMINISTRATIVE STAFF ACTIONS: Notice of Violation sent to Orlando Coto Chang, 5 Advocate Place, site visit 7/28/09; NOV sent 8/11/09. Chairman Gallo read this item into the record.

CORRESPONDENCE: CT State General Assembly extends permits granted from 7/1/06 through 7/1/09 to **six** years from approval date (Public Act No. 09-181). Chairman Gallo read this item into the record.

OTHER COMMENTS: NA

ACCEPTANCE OF MINUTES: Motion to accept the 7/8/09 meeting minutes as presented by Lees. Second by Rose. The motion carried unanimously.

ADJOURNMENT: Motion to adjourn by Lees. Second by Derek Roy. The motion carried unanimously at 7:35 pm.

The next regular meeting of the DEIC is scheduled for August 26, 2009, at 7 pm.