



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

May 26, 2004

Common Council Chambers

The meeting was called to order at 7:35pm by Chairman Chianese. The Board Members self-identified themselves from right to left.

Members Present: Chairman Benjamin Chianese, Bruce Lees, Sabrina Charney, William J. Mills, Kevin B. Russell, Keith Prazeres

Members Absent: Craig Westney, Thomas Pinkham, Jr.

Staff Present: Senior Environmental Inspector Scott LeRoy, Secretary Patricia Lee

Mr. Mills made a motion to accept tonight's agenda. Kevin B. Russell seconded the motion. Kevin Russell made a motion to move EIC499R, 113 & 115 Clapboard Ridge Road, Damia, to the first item on the agenda. Mr. Chianese made a motion to move EIC544, 50 – 58 Payne Road to the second item on the agenda. The motion to accept the amended agenda for tonight's meeting carried unanimously.

PUBLIC HEARING: None

OLD BUSINESS:

23 Indian Avenue

Regulated Activity # 551

Cedars Property Owners Association

Assessor's Lot # K40183

Date of Receipt: 4/14/04. Notice of Violation: 4/7/04. *Beach, Retaining Wall.*

First 65 Days: 6/18/04. Second 65 Days: 8/22/04. *On-site meeting 5/18/05.* Chairman Chianese introduced this application at 7:50 pm. Scott LeRoy handed out the comments from the Candlewood Lake Authority. Tom Carlson took the mic to represent Cedars Property Owners Association. He said, we received the Candlewood Lake Authority comments this afternoon and we are prepared to answer questions. If I may start, Carlson said, the visit by Scott LeRoy and some members of the Environmental Impact

Commission to the site was a real benefit. He indicated to the map. Ben Chianese announced that Keith Prazeres has joined the meeting at 7:50 pm. Tom Carlson continued, in the first area, we were asked to do measurements and to make it a no-mowing zone. We must restore the grass. Moving clockwise on his plan, he discussed the 11 ft. setback from the high water mark, the line of Juniper shrubbery and additional larger plants, invasive plants will not be used, plants will be mulched, the CLA recommendations for dams & stone, and the proposed split rail fence preventing vehicles from parking there, with a removable fence section for emergency vehicles. Mr. Carlson continued, there will be a four ft. wide walk-through area so vehicles cannot use it. Mr. Chianese asked how will emergency vehicles turn around down there. Tom Carlson replied that, in summer, an ambulance could back out. He then handed out his photographs. Chairman Chianese, Mr. Carlson, Mills, and LeRoy discussed the photos. Mr. Chianese said it was originally a curved wall. We recommended a straight wall, moved three ft. forward. The new wall is only 3 ft. high. Mr. Mills suggested a two-year monitoring and replacement plan, and asked if a sandy beach area is proposed. Mr. Carlson said "yes". Mr. Mills said the recommended retaining wall is 18 inches high by 50 ft. long, at the waters edge. Mr. Carlson said yes, we're aware of that, and it's on the photo, very subtly. We'll have an annual sand raking. This is currently a 50 ft. stretch, and it does curve a bit as well, Carlson said. Scott LeRoy asked, if you pull those up, is there still the option to put something on the landward side? Mr. Carlson answered, "That would be more than acceptable". If I may proceed, he said, we have an alternate plan. Plan B is to move this fence 8 ft. forward for parking, with a gravel pervious surface, all roped off. Scott LeRoy asked, isn't that encroaching upon the slope? There happens to be an orange pylon just where that is. It's not a vital change for us, we're asking for consideration, Carlson said. In response to Ben's question, they will add more gravel with this plan. Keith Prazeres asked where. Mr. LeRoy said to explain the flow of traffic, which is the Board's concern. Mr. Carlson said there will be three parking lanes here. That 8 ft. section is not covered with gravel now; it's flat, hardened dirt. We have 18 residents. The neighbors can walk or ride bikes down to the beach. Some want to bring coolers, food, picnics. Mr. Chianese said we should address the Candlewood Lake Authority comments also. Mr. Carlson said only non-invasive CT shrubs will be used, some fast-growing and to cascade over the wall. We are taking every pro-active action that we can, Mr. Carlson said. Scott LeRoy said, Tom has hit upon everything that the CLA noted, and "I don't see any problems with the proposal". Mr. Mills had a question on the dock footing and steps. Mr. Carlson answered that the dock footing does exist, and the steps are needed because of the 2-foot drop. CL&P has told us not to use wood for the steps. Maybe we'll use some of the stone. We can work something out using stone and gravel, Carlson said. Mr. Mills mentioned the steps eroding during a heavy rain. Mr. Carlson discussed the steps, and said we have approximately 100 extra blocks. Mr. LeRoy said, it looks like you have enough blocks. Chairman Chianese asked Scott LeRoy if he was going to come up with conditions. Mr. Carlson said the contractor can do the removal in 7 calendar days. \$6300 was quoted by the landscape company and that's not in our budget. We are trying for a 30-day completion time. The association is meeting tomorrow night, pending the outcome of this meeting tonight. Scott said, if Plan B is acceptable, I'll come up with an enforcement agreement, including a two-year monitoring plan, with no bond. Mr. Lees asked, administrative approval? Mr. LeRoy

said to Mr. Carlson, you should try to find a greenhouse that offers a one-year guarantee on their plants. Mr. Chianese said our next meeting is on June 9th, and then June 23rd. Mr. Leroy said, "You guys could do your own inspection." Mr. Carlson said we may still be spreading mulch at that time. Mr. Mills asked, have we accepted Plan A? Have we accepted Plan B? Mr. Lees said this application has come a long way. I'm in favor of Plan B. "It looks like crap right now"; let's get it going. Mr. Prazeres said, it looks terrible now. They laid it out on the line. I agree with Bruce on Plan B. Mr. Mills reminded Carlson, address the sandy beach while you have your contractor there. Mr. Chianese said, they did take our opinion, but I'd still like a Fire Marshal to look at the emergency vehicle space. Mr. Lees made a motion to **give Plan B approval** under the guidance of Scott LeRoy and the Health Department. Ms. Charney seconded the motion. The motion carried unanimously, with Kevin Russell abstaining (for missed meetings). Tom Carlson asked, can we use the dock Memorial Day? Mr. Chianese said "yes", but the Cease & Desist order is still in effect.

336 Main Street

Regulated Activity # 543

AutoZone, Inc.

Assessors Lot # I13032

Date of Receipt: 3/10/04. *New retail building, parking. See S.LeRoy 5/26 Impact Report.*

First 65 Days: 5/14/04. Second 65 Days: 7/18/04. *Extension ltr. rec'd. 5/17/04.*
Chairman Chianese introduced this item at 9:04 pm. Mr. John LaFonte of Consultants & Engineers identified himself and produced his revised plans. He said one thing that's different, and also new to Scott LeRoy, since he met with Planning (Dennis Elpern and Jennifer Emminger), is the desire to preserve that giant oak tree on Main Street. So we realigned the driveway to S-curve around the tree. In doing so, we lost three parking spaces, LaFonte said. Sabrina Charney said, "I'm unhappy with moving three spaces" to the truck turnaround area. Mr. LeRoy said, if it makes you feel any better, most of it is outside of the 200 ft. regulated area. Mr. LaFonte continued, the sidewalk in the rear is reduced to 5 ft. width, since Dennis Elpern wanted to move the building. Sabrina Charney said this is not the fault of the applicant. It's unfortunate that the Planning & Zoning Dept. and the Environmental Impact Commission cannot work together, she said. Bruce Lees interjected, "But we're saving a tree". Mr. LeRoy said they cannot issue a Planning & Zoning decision until we issue ours. Mr. Lees said, it "looks like a good plan" and it's okay with me. Scott LeRoy said he has created a report on a plan similar to this. There are no wetland losses. Scott then read his impact report, dated 5/26/04, into the record. The applicant has investigated three, now four, site plans. I asked for a planting plan along the top of the bank of the Still River, and sedimentation and erosion controls before grading permits can be issued. I've recommended a summary ruling with 9 conditions of approval, and I've included the pollutant loading calculations, and the pollutant removal calculations. Sabrina Charney asked to make a note, the applicant did an excellent job in a historic district, and if there was better coordination with Planning and Traffic, we could have done even better, just as a point of note. Mr. Lees made a motion to accept this application as complete. Mr. Mills seconded the motion and it carried unanimously, with Kevin Russell abstaining. Bruce Lees made a motion to

approve this with eleven conditions of approval. Mr. Mills seconded the motion, and it carried unanimously at 9:19 pm, with Kevin B. Russell abstaining.

12 Dixon Road

Regulated Activity # 548

Christopher & Donna Ryan

Portion of Assessor's Lot # J08127

Date of Receipt: 4/14/04.

Dwelling, well, septic, driveway.

First 65 Days: 6/18/04. Second 65 Days: 8/22/04. *S. Danzer recommendations dated 4/30/04.* Chairman Chianese introduced this issue at 9:23 pm. Michael Mazzucco, P.E., of Ta'Agan Point Road, Danbury, spoke on behalf of the applicant, and put the revised plans on the easel and handed them out (#03084-S of 3/25/04). He mentioned that Scott LeRoy had missed the last meeting. Scott had asked, why is a site walk needed? Mazzucco said with the re-grading and the dry well, they were enabled to pull the outlet of the pipe about 30 feet. Scott LeRoy had a question on this move, and Mr. Mazzucco explained the benefit of moving the outlet. Scott LeRoy asked, if this is a new lot, you need to retest the soil. Mr. Mazzucco said, yes, additional soil testing is needed for the Health Department for the septic. Scott asked, is it possible to get a planting plan? Mazzucco said, it's possible. There are lots of old, beautiful trees. "We're fortunate in that regard". Mazzucco and LeRoy discussed the fill. Chairman Chianese asked about the report from Steve Danzer, and the report from Cynthia Rabinowitz, Soil Scientist. Scott LeRoy took the microphone and said, basically, the core issue is how the watercourse is impacted, regardless of their opinions. Chianese asked if there were any questions for the applicant. Mazzucco said we'll concentrate on that for the next meeting. Chianese asked if a site walk is needed. LeRoy said he had other places in mind for site walks. Mr. Lees made a motion to **table** the application. Ms. Charney seconded the motion and it carried unanimously, with Kevin Russell abstaining.

Mr. Mills motioned to take a five-minute break. Mr. Lees seconded the motion and it carried unanimously. Mr. Chianese reconvened the EIC meeting at 9:45 pm.

Aunt Hack Road, Parcel B

Regulated Activity # 553

Neil Perone

Assessor's Lot # C09009

Date of Receipt: 5/12/04.

Single-family dwelling, well, septic.

First 65 Days: 7/16/04. Second 65 Days: 9/19/04. *S. Danzer reviewed 5/24/04.* Mr. Chianese introduced this business. Attorney Neil Marcus came to the mic and identified himself. He said Ron George, P.E., of CCA, LLC, as well as Neil Perone and Chris Lynch, are here tonight. Mr. Marcus said this license was previously granted in 1987, and the driveway was "somewhat roughed in". There were two crossing on the driveway. Ron George distributed the plans to the Board Members. Ron George, P.E., said the build a 90 ft. span to bridge the wetlands, Alternate Plan A, it would cost approximately \$100,000. That is uninstalled and without footings, and "I don't see it as feasible", Mr. George said. It would be more of a disturbance. Atty. Marcus reminded

the panel about “feasible and prudent alternatives”; the bridge would not be prudent because of the increased disturbance. Ron George said, to modify the plan, as per the EIC and Scott LeRoy’s requests, the driveway will go around, and this will require an easement from the City of Danbury. One of their comments was to slide the house to the east, but they cannot due to the setback requirements. There might be wetlands here or over here. Scott LeRoy said he’d rather not see mitigation, but to let the EIC members decide. Mr. Chianese asked, can we do off-site mitigation? Mr. Marcus said we would not be opposed to it. Mr. LeRoy said it is up to the applicant to propose mitigation at an off-site place. Have you talked to your neighbors? Does the reservoir need cleaning? Talk to Jack Kozuchowski, Scott suggested. Neil Marcus said, if the driveway looks approvable, we’ll have to go to the Common Council, which takes several months. So we need EIC’s cooperation to know if this may be approved. Mr. LeRoy asked if they had proposed varying a setback. Marcus replied “no”; he’d tried it twice before. “I’ve been down that road, and it’s tough”. Also, Marcus continued, I learned from Judge Moraghan that the EIC cannot make us go for a variance. Mr. Marcus, George, and LeRoy discussed the side yard setback, the steep slopes, the grading proposed, retaining walls, moving the house 10 or 12 feet, the land disturbance, the amount of yard, the runoff direction, and the rocks. Mr. George said, “You go out there and look at it”, this is the place to put the house. Keith Prazeres asked about the old logging road. Marcus said they tried to get around this finger, but there is nowhere else to go. Mr. LeRoy said the larger issue is mitigation for the disturbance. Call The Swampfield Trust, Jack Kozuchowski, Mario Ricoszi, for mitigation suggestions. Provide seepage analysis on the septic proposed, Scott said. Mr. George said there is about 2600 sq. ft. of disturbance now. Mr. Lees asked, how do you value the mitigation? Atty. Marcus said, “We’ll get a hold of Jack.” The City should put a fund together. We’ll have some direction. Mr. Chianese asked if there were any questions for the applicant. Mr. Lees made a motion to **table** this issue. Ms. Charney seconded the motion and it carried unanimously.

Bear Mountain Road

Regulated Activity # 554

John R. Clarke - Bay State Forestry

Assessor’s Lot # H03069, I03003

Date of Receipt: 5/12/04.

Timber Harvest- Pamela Equities Lot.

First 65 Days: 7/16/04. Second 65 Days: 9/19/04. *Copy sent to L. Marsicano 5/25/04.* Scott LeRoy took the dais, and identified himself from the Danbury Health Department. He said, “I may be wrong”. We encourage true forestry. This proposal is for the removal of 700 trees on the banks of Candlewood Lake, in certain selected areas. Scott said he has studied forestry, and his major concern is the use of the property once there are no trees. Are they trying to do a clear-cut legally? I haven’t seen it yet. It is in a “critical” area, next to Bear Mountain State Park. I have also sent a copy of this application to Larry Marsicano at the Candlewood Lake Authority, and he is very interested. “He has some concerns, as I do” about clear-cutting. Scott LeRoy said the second issue is to schedule a site walk with the forestry guy, after 10 am, on the 7th, 8th or 9th of June. He says all the trees are marked, Scott said. If it is forestry, great. It will affect Lake Candlewood’s watershed. Mr. LeRoy and the Board Members discussed the date and

time for a site visit. Scott finalized, "So, the 8th, the later the better." I'll try to set it for 4 pm or later. Keith Prazeres asked, do they know we suspect clear-cutting? Scott LeRoy replied that he had asked the forestry guy, "I'd like to know the future intent" for the area. Mr. Mills said, "712 trees is a lot of trees". Ms. Charney said, you'll be able to tell; at least they are putting in an application. Mr. Chianese asked about the fee. Keith Prazeres made a motion to **table** this item. Mr. Mills seconded the motion, and it carried unanimously at 10:12 pm.

25 Hayestown Road

Regulated Activity # 555

Harbour View Condominiums

Assessor's Lot # I09085

Date of Receipt: 5/12/04.

18-Unit Condominium Development.

First 65 Days: 7/16/04. Second 65 Days: 9/19/04. *S. Danzer reviewed 5/21/04.* Scott LeRoy said that he's received an e-mail from the Candlewood Lake Authority regarding legislation, (Public Act #04-248 which was trying to stop a development. The way it was worded, done hastily, and there's no precedent for this. It says that local towns have no authority to approve construction within two thousand feet of the boundary of any lake that exceeds five hundred acres. Mr. LeRoy said this applies Statewide, and Robin Edwards, Attorney, is gathering information now. Michael Mazzucco, P.E., took the dais, identified himself, and said, "Thanks, Scott." Michael said he gave a pretty lengthy presentation at the last meeting. The applicant is looking into this legislation. The last line says that the Act does not apply to reservoirs. Candlewood Lake is about 5000 acres. We have time to table this. The Act was passed by the House and the Senate, but not signed. Scott LeRoy said that Corporation Counsel will have an answer by the next meeting. Sabrina Charney made a motion to **table** this item. Mr. Mills seconded the motion, and it carried unanimously.

NEW BUSINESS:

47 Middle River Road

Regulated Activity # 557

James Blansfield

Assessor's Lot # E12001

Date of Receipt: 5/26/04.

4-Lot Single-family Subdivision.

First 65 Days: 7/30/04. Second 65 Days: 10/3/04. Mr. Chianese introduced this new business at 10:18 pm. Michael Mazzucco, P.E., again took the mic, to speak on behalf of the applicant. This is a four-lot single-family residence subdivision, Mazzucco said. He identified the location, the lot, cemetery, the steep slopes, the flat area, and the ledging in back. There is one pocket of wetlands in the northeast corner and one in the northwest corner. We are in the reservoir watershed, so we've included seepage analysis. Mazzucco said we've met with Ann Klebacha, Assistant Director of Planning. We propose a single common driveway. The major job will be to try to get the road up into

here. We tried to do a minimum amount of site work, including blasting. Only lot four will have a basement. All are 1.9 to 2.9 acres in size. There is not enough room to put a house down in the flat area, Mazzucco said, so we can use it to pick some drainage from the driveway. Early on, we met with Scott LeRoy, Fran Lollie, and Mario Rizzozi of Public Utilities, who suggested some work along Middle River Road. We proposed a 180 ft. to 200 ft. long drainage area, eventually draining back down to the reservoir. Kevin B. Russell said there's a pretty big pond up there. I used to ice skate there; it's gorgeous. Mazzucco said, "It's Doyle's Pond", and it's beautiful there. Mr. LeRoy asked, all that drains to the front? Mazzucco said, "No, not all". Keith Prazeres asked where is Doyle's Pond. Mr. Chianese asked if it's a natural pond. Mazzucco answered "yes", and showed the map of the drainage improvements. He said the current house will remain, then the lot, which is the result of a first cut. I have not heard back yet from Mario Rizzozi, Mazzucco said. Scott LeRoy said he asked for an environmental consultant to propose plantings for the basins and swales. Note also, LeRoy said, that during construction, to take extra measures for sedimentation and erosion controls. What are the soils like up on top? Mazzucco answered "a lot of ledge". Mr. Chianese asked how much blasting is needed. Mazzucco replied, "Not much; three of the dwellings have no basements". Scott asked about the three-bay garages. Mazzucco said that Blansfield does not want to go with the larger homes. LeRoy asked, "Did they use a polymer?" There are some cuts here, and there's fill here, Mazzucco replied. LeRoy asked are there catch basins, and Mazzucco answered, yes, in the paved driveway. Mr. Mills said his concern is that it drains into the reservoir. Ms. Charney said thinking long-term, we need to work out the maintenance of the basins. It's in everyone's forefront right now, but don't forget about five years down the road. Mazzucco said the City is going to have to maintain it. On previous jobs, Mazzucco has had experience with homeowners' associations, and the maintenance to be born by the homeowners' association must be spelled out. Kevin Russell said he noticed that one page says five, but it's really four. Bruce Lees said that this is a significant activity, and he recommends a Public Hearing. It drains into a Class A water supply. When we apply the criteria, it's in the public interest. Mr. Mazzucco said, do I have Public Hearing written on my back? Ms. Charney said, it's worth it; I don't think it's a bad idea. Mr. Lees made a motion to **move this to Public Hearing to open June 23rd**. Mr. Mills seconded the motion, and it carried unanimously.

5A Golden Hill Road

Regulated Activity # 558

Housatonic Habitat for Humanity

Assessor's Lot # H12265.

Date of Receipt: 5/26/04.

Single-family Dwelling.

First 65 Days: 7/30/04. Second 65 Days: 10/3/04. Mr. Chianese introduced this new business at 10:42 pm. Dainius Virbickas, P.E., of Artel Engineering Group of Brookfield, CT, took the dais. He said this project is for Habitat for Humanity, roughly 20,000 sq. ft., a "tiny parcel", oddly shaped, in an RA-20 zone. The proposed house is

roughly 7000 sq.ft. Ben Chianese asked about the second house on the parcel. Mr. Virbickas answered, “yes” and discussed the lot line. It is steep in front, 10% to 25% slopes, and will need some retaining walls. The structure will be removed. It has sanitary sewer and municipal water. The proposed house is of moderate size: about 28 ft.wide by 32 ft. deep, two to three bedrooms. The driveway is pushed deeper since there is no parking allowed in a front yard, Virbickas said. The wetlands are 20 feet away from the fill slope. Silt fences are proposed, and there already are retaining walls on the site. Dainius Virbickas and Scott LeRoy discussed the apron, the steep grade, the driveway and the roof drains. It’s less than 900 sq. ft. as a footprint. Mr. Chianese said there’s a lot of garbage back there, as I remember. Dainius Virbickas said, “Here we go with the garbage”. Dainius said I never ventured down there. I was lazy. I didn’t really walk to the back and look into it. I was thinking about the plantings. Parcel C is an oddball parcel as well. I don’t know how they’re going to access it. I don’t know the plans for that property, Dainius said. Scott asked if they want to move this to Administrative Approval. Mr. Chianese said, “No, I want to see it”. Mr. Lees made a motion to **move this to a Regulated Activity**, to be voted upon by the entire Commission. Mr. Mills seconded the motion. It carried unanimously. Dainius Virbickas asked if there were no further questions, he will submit more maps.

5 Maple View Lane

Regulated Activity # 559

Joseph A. Novella, Jr.

Assessor’s Lot # L05022.

Date of Receipt: 5/26/04.

Single-family Dwelling & Pool.

First 65 Days: 7/30/04. Second 65 Days: 10/3/04. Joseph Novella, Jr., identified himself and said he is representing himself in this application, and he missed “American Idol” on television. (Tape changed to Tape 3A.) This proposal includes a land swap with no net change in the acreage. It’s a very constricted triangular shape parcel and the owner of Lot 2 agreed to the lot line change. In response to Mr. Chianese’s question, Mr. Novella said the Planning Commission has approved this lot line change. There is no change to the Conservation Easement area. The plans for the home are not complete. We will try to move the house up. It’s a very flat building lot. There are no important drainage issues. Mr. Lees asked him to explain about the driveway. Mr. Novella said that a portion of the driveway will be shared. Mr. Chianese asked are there any conditions on Lot 2? Scott LeRoy said that lot was developed by BRT and was previously approved by the DEIC. Mr. Russell asked is there actually a Conservation Easement already? Mr. Novella said, “Correct”. Mr. Lees made a motion to **move this to Administrative Approval**. Ms. Charney seconded the motion, and it carried unanimously.

5 Varian Drive

Regulated Activity # 561

RCS Consultants, LLC

Assessor’s Lot # C 10040

Date of Receipt: 5/26/04.

2-Car Attached Garage Addition.

First 65 Days: 7/30/04. Second 65 Days: 10/3/04. No representative is here tonight.

No action taken.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL:

111 Aunt Hack Road

Regulated Activity # 556

James & Laura Kennedy

Assessor's Lot # C10100

Date of Receipt: 5/12/04. *Addition to Residence*. Senior Environmental Inspector Scott LeRoy did **Administrative Approval** 5/26/04.

113 & 115 Clapboard Ridge Road

Regulated Activity # 499R

Damia Development / BRT

Assessor's Lot # F08066, F09035, F09036, F09091.

Date of Receipt: 5/12/04. *Revised Site Plan for Cluster Subdivision*. First 65 Days: 7/16/04. Second 65 Days: 9/19/04. Chairman Chianese introduced this application. It was moved to the first agenda item at the request of the agent, Jane Didona. She took the podium and identified herself from Didona Associates, Landscape Architects, at 70 North Street, Danbury. The revisions are improvements, she said. Scott LeRoy interjected, for some Board Members who were not on the EIC at the time of the Public Hearings (August, 2003), the Damia project was approved (8/27/03) and this proposal now is for Administrative Approval. Jane Didona said, starting down on Clapboard Ridge Road, they will reduce the height of the wall from 7 feet to 3 feet. They will also reduce the amount of grading required, that is, changing the entry. The revised stormwater management system and plantings will attempt to create a riparian buffer, and improve the water quality in the existing pond. They will increase the number of planting and improve the aesthetics. Ms. Didona said, "Everyone loves the pond", and the native plants, flowers, colors and winter interest; it's "a beautiful place". This will also create a more marketable entry statement. Secondly, the two-story cabana didn't make sense with its handicapped ramps. Now, it's a one-story cabana, and we've flipped over the parking area and pool. We got rid of some of the walls. Chairman Chianese interjected that Bruce Lees has joined the panel at 7:40 pm. Mr. Mills asked if there will be the same number of parking spaces, and Jane Didona answered "yes". She said it will be more beautiful also, as they will save some of the evergreen trees. Next, Didona said, they flipped unit #12, a "little tweak". The last major change is the cul de sac, a minor tweak. It's now a dogleg cul de sac. We will reduce the amount of earthwork, reduce the number of walls, and reduce the impact to the neighbors, Didona said. Another minor change is we will use, instead of bituminous concrete, precast concrete pavers, which offers more pervious surface. We hope that this can be easily handled administratively, Ms. Didona concluded. Ben Chianese asked if the Conservation Easement will be the same. She answered everything else stays the same, with a reduced impact to the wetlands. Chianese asked if there will be the same conditions of approval, and she

replied, the same. LeRoy and Didona discussed sidewalks. Kevin B. Russell said the main issue in the Public Hearings was the blasting, especially the East Gate neighbors. Does this change the amount of blasting required? Didona responded, slightly less blasting. A change to the road would create very deep manholes, so the road has stayed the same. The units, Didona said, are all raised up the hill and up grade. Is it significant? I think it's a benefit, she said. Mr. LeRoy said this is pretty straightforward. Mr. Chianese said that since it's in Administrative Approval already, no motion is needed. Kevin Russell said that the limits of less disturbance are shown by the red line. Jane Didona thanked the Commission.

ADMINISTRATIVE STAFF ACTIONS:

Oil Mill Road – Lot 12 **Regulated Activity # 389 R**

Burton's Bridge Condominiums Assessors Lot # H15066

Date of Receipt of **Revision:** 1/14/04. *37 Units in 2 Buildings.* First 65 Days: 3/12/04. Administrative Approval Letter was sent 5/14/04.

Padanaram / Pembroke Roads **Regulated Activity # 550**

Corp. for Independent Living Assessor's Lot # G07037

Date of Receipt: 4/14/04. *Stetson Place Water Mains.* First 65 Days: 6/18/04. Administrative Approval Letter was sent 5/13/04.

71 – 73 Boulevard Drive **Regulated Activity # 526 R**

Lake Place West, LLC Assessors Lot # D16001 & D16031

Date of Receipt of Revision: 4/28/04. *Slightly less impervious coverage.* First 65 Days: 7/2/04. Administrative Approval Letter was sent 5/14/04.

CORRESPONDENCE: Three items were distributed to the Board Members:

Aquatic pesticide permit application, for comments, from Lycott Environmental, Inc., for Lake Kenosia, scheduled 6/04 and 7/04.

Invitation to Open Space Lane Inventory Meeting, 7 pm, **6/3/04**, Thursday, Common Council Chambers, for all City Commissions.

Invitation to unveiling of the Still River History Wall, 11 am, **6/6/04**, Sunday, trailhead area of the Still River Greenway.

EIC ADMINISTRATION, OPERATIONS & FUTURE AGENDA ITEMS:

Notice of Violation: **50 – 58 Payne Road**, Ray Boa & Arlindo Augusto, LLC, Assessors Lot # M12009, mailed 5/5/04. Letter to request use of equipment to comply, rec'd 5/21/04. Withdrawal letter for Regulated Activity # **544** received from M. Lillis 5/20/04. Ben Chianese introduced this issue at 8:30 pm. Mike Lillis, P.E., took the podium and quoted the regulations about a notice of violation. He discussed his note dated 5/20/04 to the City of Danbury enumerating the activities and equipment needed to complete construction and gain compliance. Mike said, I'd be happy to go through it with you. Scott LeRoy asked him if he's prepared to comply with the previous conditions of approval, and if he has an A-2 Survey yet, as required by the 5/5/04 Notice of Violation. Mike Lillis replied, "Generally, no"; to do that we need equipment for fencing, curbing, a swirl concentrator. Scott LeRoy responded, I guess I need to explain what I meant at the last meeting by my comments. Mr. Lillis sat down. Scott continued, I asked for an A-2 Survey of the existing site. Mr. Lillis said, that would be of no value and it is not required by the Notice of Violation. Scott LeRoy said, I feel that an A-2 survey is important, to show what was approved before, so we know that everything is in the corrected map. Mr. Lillis said the letter asks for a survey that shows compliance. Ray Boa stood up, and said, we want to do everything necessary. We understand that an A-2 survey is required to show compliance. Give us a "go ahead" and a time frame. Sabrina Charney asked for clarification: are you asking for a map right now of the conditions? Scott LeRoy gave a history of what he's asked for, and maps that were given. Why have them do more work which may not be in compliance, LeRoy asked. Ben Chianese said, it's right there, it's stated. And he read it into the record from the Notice of Violation. There is no way to know that without that survey, LeRoy said. Ray Boa said the letter was very confusing to me. There is no way to be in compliance, if I can't use equipment. That's my understanding, and we have a plan in place, Boa said. Ms. Charney said, as a point of clarification, if the applicant brought an A-2 survey to you, could you let the applicant go ahead if it shows that certain violations do exist? She said, provide an existing conditions map to Mr. LeRoy, to the City of Danbury; we can't move forward until we see if there are any changes. Mike Lillis said, we met Scott LeRoy at the counter. LeRoy said, "It's obvious that you don't understand". Ray Boa said, I'm a paving contractor. We're law-abiding people. Scott LeRoy said, you need to "submit a plan to the Commission", not "you need to submit a plan to me", Boa said. Bruce Lees said he has questions for Scott LeRoy. Scott LeRoy said, has anyone visited the site? (Bill Mills has.) Scott talked about the (yellow) numbered map, the driveway sealer, bags of concrete, the full uncovered dumpster, the loose piping on the ground, the wood crate filled with pumps, the abandoned pick-up truck with 5-gallon buckets in the back filled with water and mosquito larva. Mr. LeRoy continued on about the stockpiled "fill" consisting of broken ceramic tile, broken wood, plastic, wire, metals, blue tarps, boulders, and this will probably not be approved for "clean fill" for the driveway. On the original talk of a Conservation Easement. Scott LeRoy said, I suggest we have a joint meeting with the Common Council to get this straight. Ninety-six was supposed to be an as-built with before and after photos, a logbook, inspections, sedimentation & erosion controls. Keith Prazeres interrupted: "I've heard enough". If they can't comply, table it, Prazeres said. Ms. Charney said to Mr. LeRoy, "I think you need to sit down with the applicant". Scott LeRoy said, I could sit down with the applicant, write up a work plan, before he proposes an application. Ben Chianese said, "Get an A-2 survey." Ray Boa wanted to

respond to a couple of items. He said, "We did somebody a favor" by letting them use this parcel. They will have it out of there within two weeks. They have found some place else to lease. "This is a work in progress", Boa said. We have the material there to build a driveway. He described the stockpiled material, and said it is used all over the City of Danbury, and all over the State. That pile is fill material, Boa said. Ben Chianese said, I was at the site, and that fill is unacceptable. Scott LeRoy added, "You are in a Regulated Area". You must do what the Environmental Impact Commission says. Ms. Charney said, I hate to continue this conversation. Chianese said, my recommendation to this Commission is to sit down with the applicant. Scott LeRoy said, everything is in the Notice of Violation; read it. Mike Lillis said, to clarify, it's for another piece of property and Ray is now a violator, not an applicant. The permit for Lot 3 was attached. That's a different piece of property. LeRoy answered, it's the same conditions of approval for all three lots. Ben Chianese explained how the parcel was subdivided, Lot 1 to Mr. Boa, Lot 2 was sold, and Lot 3 to LoStocco. Mr. Russell, Chianese, Lillis, Mills and Boa discussed the plantings, fence, catch basin. "You had ample time", Bill Mills said. Ms. Charney made a motion to **table** this, urging a meeting with Boa and LeRoy, an A-2 survey be provided and anything else previously conditioned. Mr. Lees seconded the motion, and it carried unanimously.

EIC Application FAXed to Ameriquet Mortgage Co. on 5/19/04, for **7 Oak Lane**, Notice of Violation of 5/10/04 distributed to panel. No response to date. No discussion.

ADJOURNMENT:

At 11:06 pm, the motion to adjourn carried unanimously. The next regular meeting of the DEIC will be held on 6/9/04, Wednesday, at 7:30 pm.

Respectfully submitted,

Patricia M. Lee, Secretary