



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

DRAFT MINUTES

August 11, 1020

Common Council Chambers 7:00 PM

Present were Chairman Bernard Gallo, Alt. Derek Roy, Matthew Rose, Bruce R. Lees, Mark Massoud, Alt. Josh Reilly.

Absent were Jon Fagan, William Mills, Craig D. Westney, Staff present were Daniel Baroody, MPH, RS, Patricia Lee, Secretary. Chairman Gallo called the meeting to order at 7:05 pm.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Josh Reilly at Chairman Gallo's request.

PUBLIC HEARING: NA

SHOW CAUSE HEARING FOR CEASE & DESIST ORDERS: NA

OLD BUSINESS:

Ironwood Drive

Regulated Activity # 869

Alison Benincasa

Assessor's Lot # C11002, RA-40 Zone.

Date of Receipt: 7/14/10.

Single-family dwelling & septic.

First 65 Days: 9/17/10. Second 65 Days: 11/21/10. M. Mazzucco, PE. Site staked 7/23/10. Engineer requests table to next meeting 8/25/10. Lees made a motion to **table** this. Reilly seconded the motion. The motion carried unanimously.

90 Shelter Rock Road

Regulated Activity # 857

SRR Development, LLC

Assessor's Lot #L14233, IL-40 Zone.

Date of Receipt: 4/14/10.

Office/warehouse building & parking.

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BY: *Mue*

First 65 Days: 6/18/10. Second 65 Days: 8/22/10. B. Doto, PE. Site staked 5/17/10. Extension letter received 6/8/10. Site walk done 6/22/10. Off-site mitigation plan received 7/27/10.

Staff report by D. Baroody 8/11/10. Benjamin Doto, III, PE, took the mic representing the applicant. At the last meeting, we had submitted the mitigation plan. Gallo asked are there any questions for Mr. Doto. Mark Massoud asked did you revise that at all. Doto replied we left it just as the landscape architect had presented it. Massoud said we had had a little discussion about it. Any further questions, Gallo asked? Dan Baroody took the mic and said the proposed mitigation for the development is appropriate. Staff recommends a summary ruling with 6 conditions of approval. Through the chair, Baroody said, to address Mark Massoud's inquiry about the trees. The Norway maple is on the Connecticut list as an invasive species. Lees made a motion to **approve** this with the six conditions of approval noted in Dan Baroody's report. Roy seconded the motion. The motion carried unanimously at 7:10 pm with no further remarks.

81-83 Driftway Road

Regulated Activity # 860

Rose M. Schirmer, Sr.

Assessor's Lots#D13042,D13041, RA-40 Zone.

Date of Receipt: 5/12/10.

Site restoration following NOV 4/6/09.

First 65 Days: 7/16/10. Second 65 Days: 9/19/10. Eugene McNamara, Ph.D. Site walk done 6/22/10. Received extension letter 7/28/10. BG introduced this item, and Eugene McNamara took the mic representing Mrs. Schirmer. I picked up the map this afternoon and I'd like to pass it out at this time. He passed out 6 copies to the Commissioners. We find that the wetlands that were flagged were basically off the client's property. McNamara said the wetland is created by some of the runoff from some of the properties to the West. The same drainage is coming off of Caraway Estates. The woodchip covered path is indicated on the map for you, and I was told that the two points on the lower portion on the property will be staked tomorrow, if you needed to do an on-site. The path is not impacting the wetland, it appears, McNamara said. Do you have any questions, gentlemen? Gallo asked him what is staked now? The wetlands are staked. The numbers are there. The corners will be staked tomorrow morning. Massoud asked the use of these paths is what? McNamara replied the use of the paths is for a walking trail for them (Schirmer's). They are elderly people; they use it to walk down by the reservoir. Massoud asked is there any evidence of any use of ATVs. That has been reported to me, McNamara said. Reilly asked did they have any permission from the town to do this? McNamara answered no; they didn't know it was City property. Lees asked what is the City's stand on this. I'd look for guidance for removing the chips on City property. What does the City want to do, Lees asked. Baroody said this is the first time I'm looking at the plan. McNamara said the soil scientist report was given to you before. Lees said he had no issue with woodchips on their property. Is there some kind of outcome from this? I think you are looking to us for some kind of solution too, Lees said. McNamara replied yes. Dave Day from the water department made the discovery. They reported this to the State. If you dictate that these be removed, then it opens up a whole can of worms. A study has to be done, and that will run the applicant several thousand dollars, McNamara explained. Getting in there with equipment to remove it will do more damage. Let it deteriorate. Put some kind of barrier

or stanchion on the path. Roy said, if I may thru the chair. Gallo said wait. McNamara said that's what would happen. Lees said if someone built a car path through my front lawn, I'd want it removed. The cost of what it would cost to the applicant; anything that goes on on City property, I would want to have it removed. The cost of it is not our burden, Lees said. You are eventually going to come up with some kind of solution, and we say aye or nay. I think we should do another on-site, Gallo suggested. I think David Day should be there too, McNamara said. Derek Roy said I think we should keep those 6 steps in mind when we review the area, once the chips are removed, the seed mix should be distributed throughout the City property, and we as a commission should ask for some boundary line on a tree or something. McNamara said I wrote that up before I found out that the City had notified the State. Roy suggested I would ask staff get in touch with the DEP Hartford people, through the chair. Massoud said I agree. I would like to know the locations of the woodchip path on the town property. It may be encouraging use by ATVs, perhaps. I had not seen the site, and I don't know what we are talking about; what are the implications for the City. What they recommend; what they don't recommend, Massoud said. McNamara said I think you ought to look at it. Gallo said we will go out. Lees made a motion to **table** this. Roy seconded the motion. The motion carried unanimously at 7:24 pm. McNamara said please notify me when site visit is scheduled.

63 Spruce Mountain Road

Regulated Activity # 842 R

Mario Luis

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

Date of Receipt: 7/14/10.

Relocated SF dwelling, well, septic.

First 65 Days: 9/17/10. Second 65 Days: 11/21/10. Artel Engineering Group, LLC. Table to 8/25/10 meeting; wait for septic review. Chairman Gallo introduced this item as Dainius Virbickas, PE, took the mic, and said we wish to table this application to the next meeting. Hopefully they will sign off on that. Roy made a motion to **table** this. Rose seconded the motion. The motion carried unanimously at 7:25 pm.

NEW BUSINESS:

9 Zinn Road

Regulated Activity # 870

Kathleen Felix

Assessor's Lot # F09020, RA-40 Zone.

Date of Receipt: 7/28/10.

Residential additions.

First 65 Days: 10/1/10. Second 65 Days: 12/5/10. Artel Engineering Group, LLC. Gallo introduced this new business and Dainius Virbickas, PE set up the plan on the easel, saying I represent Kathleen Felix. The proposal is putting in a sanitary sewer forced main and doing some revisions to the house. There is an existing home on the property about 200 feet back from Zinn Road, which was originally built as a studio. This is 2 separate parcels were using one well. The parcels are now under separate ownership, and now it needs it's own well. Virbickas described the vicinity and the stream, and said the limit of the wetland is a boulder wall adjacent to the pond. We will utilize the existing pump station. The forced main goes underneath the brook, utilizing this station, then up Zinn Road, into the existing

sanitary sewer line. I imagine the waterline also comes through somehow, probably in the same trench. We also propose a well on the property. We are trying to push everything away from the wetland. There have been several additions to the now C-shaped house and it sits on piles. You may want to look at it, and there's a little notch on the northwest side that she wishes to revise as well. There is no storage. Later she would like to put in a car port when she can afford to do it; something so that she won't get rained on; something to park the car on; it's a pretty tight squeeze no matter how you do it. Everything is within 100 feet of the wetlands. We'll use silt fencing, hay bales, whichever the commission would prefer. The commission may want to go out and take a look; or maybe approve it tonight. Gallo said to Virbickas nice try. Lees said the wooden deck looks like it goes beyond the borders of the house. Virbickas said yes. The house has been there since the mid-sixties. Laura Nero and some other famous people have walked on that deck. Massoud asked him have there been any intrusions in the wetlands. Virbickas replied and said it's a mix of lawn and gravel, or lawn and dirt; it's a shady property. Boulders appear to hold up the driveway itself, and very little grass grows north of the driveway. The only thing back there, I think, is the pump station. Lees said we should set up a site walk. Lees made a motion to **table** this. Rose seconded the motion. The motion carried unanimously at 7:34 pm.

94-102 Newtown Road

Regulated Activity # 745 R

Danbury-Newtown, LLC

Assessor's Lot # M11002, CL-10 Zone.

Date of Receipt: 7/28/10.

Sonic Restaurant, 9.46 acres.

First 65 Days: 10/1/10. Second 65 Days: 12/5/10. Starbucks previously approved here on 6/5/07. Chairman Gallo introduced this new business as Benjamin Doto, III, PE, set up the plan on the easel. Doto introduced himself, saying he is representing the applicant, who is the owner of the site. It is the former Pathmark site. Bertucci's is not part of the property. Here's the shopping center, X-pect Discounts, and Nardelli's will be moving in. Two or three years ago this was in front of this commission as a Starbucks. It was approved by EIC and approved by Planning. That project died for two reasons. They have a new tenant; they are a national chain with car hop service. We will have a very similar site plan. The reason we are here, Doto said, is that this is a large site, and the river is in the rear half of the site. I will trace the area of the river (on the map). All of the activities are outside of the Regulated Area. There's a city sanitary sewer that runs through our property which we will connect to. The water service is under the parking lot in the right of way. That's really the only activities that we are doing. The overall site, and the alternatives that we looked at, and some thing such as storm drainage, which Doto discussed. We have an increase in impervious area, and with the proposal, we're increasing our lawn areas. This is what is there now; this is what we are proposing, actually decreasing our impervious area. The site itself sheet flows to this leak off and dumps into eventually the Still River. This catch basin does not catch much water. There is a storm drain that is privately owned, as I understand it, but the State has rights to drain. All the water gets picked up and gets dumped out there. The capacity to tie in just was not enough. Doto continued I intend to catch half of this water. You'll see between wetland flags 7, 8 and 9, is about this much of accumulated road sand; God knows how many years. We propose to turn the pipe parallel, to provide a mechanism to reduce velocity of the flow, and also to have an area where sediment can be easily cleaned up. The sheet flow on this third of the lot will remain as is. I would be happy to answer any questions, Doto concluded. Bruce R. Lees requested labeling the storm

drains with the wetland logo; bring out the obvious. This will be a high profile project. Is there anything you can do such as an oil / water separator? Doto replied we are reducing the impervious area, so we don't need one. But if the commission wants it, I understand; we could do this. Baroody said the discharge is in the wetland, so you can ask for whatever you want. Doto said to the commissioners I encourage you to go look. There's 2 to 3 feet of sand there. Dan, Bruce, Ben discussed a possible Vortechnic unit. Massoud said I'm familiar with the rough parking lot. I assume Sonic will do some improvements; the drainage is very rough there, and I'm definitely in favor of doing some structural mitigation. At that leakoff, the bank is probably; that whole line from the top to the bottom of the parking lot, and you could look at it for some planting improvements. Doto said I'd have to look at it, frankly. Massoud said might be some room for some improvements; I think it's appropriate. Doto flipped to the drainage area maps at the easel. The building itself discharges to the rear. We're collecting most of this. The leakoff; I need to check that, I don't think there's an erosion issue there. By us catching half of the water from that parking lot we will reduce the runoff. Massoud said when the former Bradley's converted to WalMart, they installed a very large Vortechnic unit because there was formerly a direct discharge to the wetlands. I'll talk to my client about it and get back to you, Doto said. Last time we had a detention system. Sonic has those canopies. That is something we can look at. And I can look at that bank. I felt this was simpler and more appropriate. The State will not go down there and clean that sediment up until it gets clogged with sand, Doto said. Roy asked how much does a Vortechnic unit cost. Doto said anywhere from \$15,000 to \$20,000. Roy said these are businesses; economic development is important to the City, so I would hate to lose the Sonic. It's a great opportunity. Doto said the State DOT drove the Starbuck's away. Doto next discussed the time and velocity and particle size in relation to a Vortechnic unit. It's something the City has always endorsed. There are other kinds of units, which Ben Doto described, working well for grit, but not so well for oil/water separators. It's always give and take, depending on the site. We technically don't need one, Doto said to Mark Massoud. We are adding an island. Last time we had to go to the State Traffic Commission. They saw the STC application; it's crazy how they are interconnected; they asked us to restrict traffic for Dunkin Donuts and the State asked for a concrete median. They wanted Starbuck's to pay for that. Starbuck's walked away. We are going to have that same fight at the end, Doto said. We have a traffic light, maybe with a left turn indicator. Lees asked what's the difference? Doto said there are probably a dozen brands out there, and Doto described the difference aspects of some units, for example, the Storm Ceptor. If you ever go on line, you can hit enter, you can see what it does in different types of storms. If you cleaned them every day it would not matter, Doto said. (Tape 1 flipped to side B). Lees made a motion to ~~table~~ this, which Roy seconded. The motion carried unanimously at 7:55 pm.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: NA

VIOLATIONS: None

ADMINISTRATIVE STAFF ACTIONS: NA

ACCEPTANCE OF MINUTES: Lees made a motion to accept the 7/28/10 meeting minutes as complete. Rose seconded the motion, and it carried unanimously.

CORRESPONDENCE: NA

EIC ADMINISTRATION & FUTURE AGENDA ITEMS: NA

ADJOURNMENT: Motion to adjourn by Rose. Second by Reilly. The motion carried unanimously at 7:58 pm. The longest summer meeting ever, Roy said. Baroody said the Vortechincs is a performance standard, in answer to Derek's question.

Next regularly scheduled meeting date **August 25, 2010**, at 7 pm. Room to be determined.