



CITY OF DANBURY
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ENVIRONMENTAL IMPACT COMMISSION
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MINUTES
January 12, 2005
Common Council Chambers 7:30 pm

The meeting opened at 7:04 pm, with Chairman Benjamin Chianese presiding.

Members Present: Chairman Benjamin Chianese, William J. Mills, Thomas Pinkham, Jr. (late), Sabrina Charney, Matthew N. Rose (for Westney)

Members Absent: Bruce R. Lees, Craig Westney, Kevin Russell

Staff Present: Scott T. LeRoy, MPH, MS, Senior Inspector, Environmental Health Services, Patricia Lee, Secretary, Corporation Counsel Daniel Casagrande, Attorney Michael Regan

The next regular meeting of the DEIC will be **1/26/05**.

ROLL CALL:

The meeting was called to order at 7:04 by Ben Chianese. At his request, the Board Members identified themselves from right to left. Sabrina Charney made a motion to accept tonight's agenda as printed. Bill Mills seconded the motion, and it carried unanimously. Ms. Charney made a motion to accept the Minutes from previous meetings on 11/10/04, 12/8/04 and 12/15/04, as presented. Mr. Mills seconded the motion, and it carried unanimously at 7:06 pm.

EXECUTIVE SESSION:

Charney made a motion to adjourn into the Caucus Room for Executive Session. Mills seconded the motion, and it carried unanimously. Chianese invited Scott T. LeRoy, Dan Casagrande and Michael Regan to join the private Executive Session, and announced that Tom Pinkham will be late.

Executive Session, regarding Stew Leonard's, STLJ, LLC vs. Environmental Impact Commission (**EIC 533**), to discuss pending litigation re: 4/14/04 denial for rear parking area. At 8 pm, they moved back into Common Council Chambers. Tom Pinkham made a motion to continue the Executive Session on **January 26, 2005**, at **6:30 pm**. Mills seconded the motion, and it carried unanimously.

PUBLIC HEARING:

Padanaram /Eastwood Roads Regulated Activity # 587

Cotswold of Danbury, LLC Assessor's Lot # F07052

Date of Receipt: 11/10/04.

60 cluster residential units.

First 65 Days: 1/14/05. Second 65 Days: 3/20/05. Preliminary report received 12/7/04 from Northwest Conservation District. Revisions, engineering reports received 1/5/05. Chianese introduced this application at 8:04 pm. Attorney Paul Jaber took the microphone, identified himself, from 148 Deer Hill Avenue, and reviewed the background of this parcel. The land was acquired through delinquent tax liens. M Credit foreclosed and took possession of the area. This was previously approved for 113 lots and access, Jaber said, and some improvements were begun. You will hear speak Joseph Canas, Project Engineer with Tighe and Bond, Inc., in Shelton, CT; Matthew Poppe, landscape architect and wetland scientist with Environmental Land Solutions, LLC, in Norwalk, CT; Paul Fagan, licensed land surveyor with Surveying Associates, P.C., who prepared the site plan and site layout; and Henry T. Moeller, the soil scientist who staked the wetlands. Jaber continued, this is 74 acres on Padanaram Road, he exhibited on the map, and the heart of the property is at the intersection of Padanaram and Pembroke Roads. Access to the parcel is from Padanaram and Eastwood Roads, via Route #39, Clapboard Ridge Road. It is half-acre zoned, and a cluster development of 60 single-family homes is proposed: 41 on the south side of the parcel, with access through Eastwood, and 19 here on the north side of the site, with access through Padanaram. A portion of the community will be "Active Adult Community", the developer's concept and age-restricted. Jaber turned the dais over to Paul Fagan. Mr. Fagan came forward and identified himself and his firm, and gave the history of the previous permit. The owners started construction in the 1980's, and several foundations were begun on both sides of the access way. The 113 lots were all along Padanaram Road. The developers abandoned the property and left. The drainage and grading were left unfinished and created runoff problems. We propose a cluster development; zoning permits 116 maximum density. It's too steep and has drainage conditions in one area, so we are distributing the homes on the north and south portions. We decided to use those old roadways that the old owners had cut through. Fagan displayed the map sheet 4-E and the acreage that the Swampfield Land Trust, Inc., Bill Montgomery, is attempting to conserve. Ben Chianese asked for plan alternatives. Fagan replied they are in the package. Chianese announced that all maps are available for public review in The Permit Center. An audience member requested that Mr. Fagan speak louder, and he took the microphone in his hand. Paul Jaber and Paul Fagan held up the maps from the revised package as Fagan described the alternative layout: Alternative A, 79 units, dated 1/5/05, which crosses the brook. Chianese asked the wetland impact of Alternative A. Fagan said it has "significant" wetland impacts, which he described. Alternative A is the only alternative we did, Fagan said. Chianese asked the width of the road. Fagan replied 26 ft. wide, the City standard. We propose these as private roads. 22 feet is too tight. We used 26 feet at Tobin's Farms and it works better. The town allows 20-foot width, but it's not practical. Bill Mills said he has several questions, but will wait for the other speakers to finish.

Joseph Canas, LPE, identified and Tighe & Bond's address in Shelton, saying he is responsible for the sanitary sewer system and water. The sewer system was broken into two components, north and south, which Canas described. "We met with the Department of Public Works" (William Buckley, Jr.), Canas said. He generally agreed to extend the water main. Canas described the new water main and the slip-line through the existing pipe. We are within a Regulated Area, but we are not crossing the watercourse. The steepest slopes are in the center of the site, Canas explained. For stormwater management, Canas showed a new map. We analyzed the upstream watershed and the watershed through the site for one, two, ten, twenty-five, fifty, and one hundred year storm events. He described the catch basins, collection culverts, end walls, anchors for pipes, biofilter swales, and the Vortech on-line units. The BMP's will meet City of Danbury standards. The permanent disturbance is .84 acres; the temporary disturbance is .06 acres, indicating on the maps of the north and south sections. The northern half will be installed first, and Canas described the phasing sequences. He asked if there are any questions. Pinkham asked him where is the mitigation for the disturbance. Matt Poppe will discuss that, Canas said. Scott LeRoy

said please describe the original large culverts. How wide are the culverts? Canas said, "They're large". I don't have the exact specifications. Approximately 11 by 6 and 6 by 9, Canas offered. Mills asked about a retaining wall. LeRoy discussed with Canas the culverts' size and what he had seen on site. He asked about 4600 sq.ft. of wetland disturbance in that one area. Canas said I haven't broken down the specific disturbances by area. Pinkham asked him to do that for the next meeting.

Matthew Poppe next came forward, identified himself, and said he'd been retained to do the environmental assessment report. He described some site features, the hillside, forest, river, past human disturbance, paved roadway, dirt roadway, some foundations and other disturbed areas. It was filled at one time, and there fairly steep slopes. Poppe said there are three types of habitat on the site, which he described. The site was previously improperly graded. Poppe next described the functions of wetlands habitats. We did a wildlife inventory at the site, which he enumerated: fish, owls, birds. We contacted the DEP Natural Diversity Database, and there are no threatened species. For mitigation, we tried one to one replacement, as you'll see in your reports, page 7 and 8. He enumerated the mitigation attempts and where they are. The biggest wetland mitigation is proposed for the center of the site, Poppe said. It's been disturbed already. Native plants and bird boxes are proposed. There are 77 acres total, and about 25 acres proposed for open space or Swampfield Land Trust conservation.

Paul Jaber finalized, "That's it for now." Ben Chianese asked if the Board Members had questions. Mills said to Matt Poppe, "What's alarming to me" is why we have to put a minimum of a 12 ft. gravel fire access road. Also, I'm requesting any cuts for filling of 5 ft. or more be shown to us, as well as where any retaining walls will be put. Paul Fagan responded to Mills at 8:45 pm, describing the fire access road and what the fire professionals will require. Mills said I'm saying don't have it. Fagan reiterated that the Planning Commission will require it. Chianese said, "We're not the Planning Commission. Take it out". Fagan said if Planning later requires it, we'll have to come back to EIC. Mills asked about moving houses to alleviate some wetland usage, and "why not pull that island out?" Fagan replied that its' really too steep, and explained why he planned it this way. "We are trying to add some interest to the property" with some screening and some landscaping. Mills next questioned the 26 ft. wide drive and the five parking spaces, and the houses have two-car garages. Mills said, "See what you can do", to Paul Fagan. Fagan said, "We played around with this a lot" before we came to the final plan for the Commission. We'll explore that. Thank you, Fagan said. Mills reiterated what we wanted shown and highlighted for the next meeting. Mills had a question for "Mr. Tighe & Bond" next: do we have a report on those test holes? Chianese asked that more alternatives be submitted by the applicant. Chianese said I'd like to see an alternative with the road removed, and with the road reduced. Jaber spoke from the audience, Planning won't approve that. It won't be accepted by the Department. Chianese had additional questions about the access way. LeRoy said that's an interesting comment; what is the total length of that roadway? The applicant team and Board Members spoke among themselves. Fagan said about 2000 linear feet. Pinkham, LeRoy, Fagan and Chianese discussed the road, the traffic on Eastwood Road, the cut-through, emergency fire access, and showing that as an alternative. LeRoy said he will have comments later. Ben Chianese opened up the Hearing for Public comments at 8:55 pm. He said limit your comments to the wetlands. There will be 35 to 40 minutes of Public comments, Chianese said, and the Public Hearing will not be closed tonight. Does anyone wish to speak for or against this application?

Mr. Tom Pura of 43 East Gate Road came to the dais, saying he's been a Danbury resident for 31 years, and has lived at East Gate for 26 years. He said, "Please, you need to walk it" before making any decision. The "pitch drops like that and it's all washed out". We don't have sewers on East Gate. All that water comes down and dumps onto this property. There are lots of school buses in the winter, and lots of salt and sand put down by the City of Danbury. That's an environmental impact you need to consider. The City has already

approved a big development on Clapboard Ridge Road, and that has all been denuded, and all that water runs off toward East Gate. Pura described the four houses that did not sell due to all the runoff. There's wildlife, a herd of deer, turkey, coyote. "The report kind of glossed over that". The most important issue is the water. He thanked the Commission at 9:05 pm.

Blanche Roberts from 83 Padanaram Road came forward and approached the map. She said I'm the fifth house on the right. The water just runs off. At each rain storm, there's a flood behind the First & Last Café. There's going to be a problem, a big problem. There are "tons of animals there". "Do your best", Roberts said; we won't talk about the traffic tonight.

Laura Flores from 9 East Gate Road signed in. She said the man-made wetlands now have trees. There's "plenty of wildlife" there.

Ken Gucker from 89 Padanaram Road took the dais and said there are two streams that meet here. You can "float a boat" after a rain. "The amount of water that comes off of that hill" is unbelievable. The average tree eats up about 60 gallons of water a day. "That Stetson Hat debacle", now my front lawn is like a marshmallow. There's lots of wildlife, 21 turkeys, 13 to 14 deer, fox, owls, coyotes. What about the amount of traffic generated? They crash all winter because of the water, right where those streams meet. Gucker called it "absolutely ridiculous", "absolutely insulting and disgusting". The audience applauded. Gucker said I'm submitted photographs from the street and across the street and I have signed the petition against this application.

Joel Loroucelli of 25 East Gate Road next spoke about the underground water situation. If one strolls along East Gate, there is a "tremendous amount of underground water" all of the time. Not just after a rain, he said.

Laura O'Brien of 37 East Gate Road signed in and said we live just uphill of this cul-de-sac. We have done quite a bit of work on our property to re-route the runoff. We've put in over four tons of rock. We have a stream flowing next to our house for 10 to 11 months of the year. Our garage foundation is cracked because of the water. It is very important to me that there is no connection between the north and south parcels. Any road there would be washed out. O'Brien discussed the Padanaram traffic: vehicles will come up and "create a road", trying to find a way to get to Danbury, on an emergency access road. It will erode. There is wildlife: birds, deer, turkeys and coyotes there, O'Brien concluded at 9:18 pm.

Theresa Radachowsky of 91 Padanaram Road said she has lived there for 20 years. My house is one up from the convergence of the two brooks. In every single season, the water overflows those banks, except August. There is a stream through my cellar all year, except August. I'm a professional gardener. Radachowsky discussed the neighbors' story about a 25-year flood, the silt, erosion, loss of the brook bed, the clogged brook, the photos submitted. "Take a walk and see what's out there". We need to know what we're doing, she said. The audience applauded and Chianese used the gavel.

Susan Lyons from 74 Hillandale Road said I support the statements of my neighbors on East Gate Road: the drainage problems, wet basement, wet garage, the stream runs ten months of the year, and by the side of my house it runs at full speed. There is erosion at every storm. What are we teaching our children who play in there, thinking it is a "safe spot", Lyons said.

Karolyn Filenzo of 87 Padanaram Road said I agree with all that has been said about the water. There are also beaver and dams there too. There's another development there, very luxurious. That demonstrates that the grassy area can be eliminated; it's not needed. Will

the dam in that area be rebuilt, Filenzo asked?

Raymond McGarigal from 41 East Gate Road said he's lived there for 31 years. I have a question, he said. When you cluster homes that closely, mustn't all that disturbance have an impact? We live there. We see it. It's not an illustration. "Err on the side of caution, please", McGarigal asked.

Joseph McCarry from 27 East Gate Road signed in and said he wants to expand on Raymond McGarigal's point. These homes placed very close together; there will be weedkiller, salts, chemicals and man-made dumping there. You know better about their impacts.

Chianese said that if there is anyone left who wishes to speak, who cannot make the 1/26/05 meeting, to speak now.

Emilio DeGrazia of 101 Padanaram Road said, "My worst worry" is that traffic. I got hit trying to get into my driveway. A car was going over 60 mph, hit and damaged my truck. "I'm scared to death now". Can you imagine that road without a light? It's a "suicide place", DeGrazia said.

Romul DeGrazia of 101 Padanaram Road signed in, saying I was told this meeting is only about EIC issues. He presented a letter, dated 1/12/05, which he read into the record, which listed five recommendations for the proposed development. DeGrazia said all those roads, all that silt; there's no means to catch any of that fine silt, as I understand it. All of that runoff, all of these people are saying that all of that water and runoff will go to the lowest point. I'm not in favor of the current proposed project, and I'm not in favor of the "safety road in the middle". The traffic will be a nightmare. "I hope you do your best", DeGrazia concluded.

Ben Chianese reminded all that plans are available in The Permit Center for review, and this Public Hearing will continue on 1/26/05. Scott T. LeRoy took the podium at 9:38 pm. LeRoy said that he, Matt Poppe and Bill Mills had walked the site after a heavy snow. There is "a lot of information here" and LeRoy stressed "a need to walk each phase" with somebody else in the winter. Call the applicant first. I sent out this long letter to the applicant, LeRoy said. All drainage patterns need to be shown, where the water is coming from and where it's going. Reduce the number of trees that need to be lost. I've suggested on-line Vortechnic units, deep sump catch basins, and that they rewrite this with charts and formats showing the totality vs. the losses. Are there more alternatives? It's a wildlife corridor and they should reduce the amount of wetland losses. Reduce the wetland impacts, reduce the buffer impacts; there's a pristine area of trees in here. LeRoy showed the slope analysis. He suggested a change to the proposal, to move the cul-de-sac. Chianese asked will there be any blasting at all? Joe Canas said they found rock about 18 or 29 feet down. We will "probably not" have to blast, but I don't have the report yet. Chianese asked is there a maintenance plan yet? Canas answered not yet. Chianese said to show us a Conservation Easement. How high is the water table here? Canas said that will be included in the geotectonic report. Scott T. LeRoy said we are still lacking comments from the Northwest Conservation District (Sean Hayden), which hopefully we'll have by the next Public Hearing. They agree that we should preserve the wildlife functions and prevent as much as disturbance as possible. I also want a report from the polymer consultant. Ben Chianese said I'll talk to the Planning Director and get his comments. Chianese said I'll entertain a motion to table this. Tom Pinkham motioned to table this until 1/26/05. Charney seconded the motion and it carried unanimously at 9:46 pm. The panel voted unanimously for a 10 minute recess.

OLD BUSINESS:

Candlewood Pines-Seneca Trail Regulated Activity # 576

Pamela Equities Corp.

Assessors Lot # H06069 (Lots 10A-14A)

Date of Receipt: 9/22/04

Single-family dwelling, well, septic.

First 65 Days: 11/26/04. Second 65 Days: 1/30/05. Revisions received 10/20, 11/9, 11/15/04. Extension letter rec'd. 11/15/04. 12/6/04 request to table till 1/12/05. DEP report rec'd. 1/10/05. Ben Chianese resumed the meeting after a ten-minute recess at 10 pm. Scott LeRoy identified himself, saying he'd had discussions today on-site regarding the bog turtle and the bald eagle. He discussed the DEP recommendations regarding wintering eagles, eagles roosting in one tree, the winters end, and brood nesting. They have hired Matt Poppe, and he'll go out there tomorrow. Sabrina Charney made a motion to table this item. Mills seconded the motion and it carried unanimously.

Rockwood Lane

Regulated Activity # 579

Vincent Dascano

Assessor's Lot # A08003

Date of Receipt: 10/13/04.

Driveway for future residence.

First 65 Days: 12/17/04. Second 65 Days: 2/20/05. Extension ltr. rec'd. 12/13/04. Revisions rec'd. 1/7/05. Chianese introduced this issue at 10:04 pm. Michael Mazzucco, P.E. and owner Vincent Dascano came forward. Mazzucco identified himself and reviewed what we talked about at the last meeting. We revised the plans to remove the second lot. We proposed a retaining wall. Did you get the letter from Eve Bocca at the New York City DEP? LeRoy replied "yes". Mazzucco continued, we've moved the mitigation to where we're working. He submitted the owner's DeFabricis' signature sheet. Mills asked, you're crossing the wetlands in two places? Mazzucco said there in one wetland corridor, but two area of water travel. Dascano said we're putting in two conduits. Mills asked about concrete flared ends. Mills had a question on the new proposal: one home development only? Dascano and Mazzucco said we've upped the size of the conduit. These three discussed the revisions. Chianese asked if there is anything else? Scott LeRoy took the mic and said he's done a lot of site walks here. I'd like the "water feature" area marked out on the plan for any future development. Mazzucco said, "Can you show me on the map (04091) ?" LeRoy said I'd like to see revised plans. Pinkham made a motion to table. Charney seconded the motion and it carried at 10:11 pm, with William Mills abstaining.

104 Ball Pond Road

Regulated Activity # 589

Mario Russotti

Assessor's Lot # C05036

Date of Receipt: 12/8/04.

Single-family residence, well, septic.

First 65 Days: 2/11/05. Second 65 Days: 4/17/05. Rod Cameron, P.E. from CCA, LLC, came forward and identified himself, present tonight to address Steve Danzer's comments. (see S. Danzer letter dated 12/17/05). We will get some siltation devices up and around. That work has already begun. To address the impact to the buffers, we prepared a landscape plan showing the restoration plan, and Cameron displayed to the Board the "Buffer Planting Plan", dated 1/12/05, and he listed the species proposed for trees and shrubs planting. We proposed an erosion control seed mix, and Cameron described the native and appropriate species. He showed the erosion control around the stockpiled material, a silt fence. He said some erosion controls are already in, but they can't put

stakes in the ground where there's snow, but hopefully they can by this weekend. Pinkham asked about Danzer's comment #3, devegetation: "...the site was cleared up to the wetland boundary on the eastern side, and within 10 feet of the wetland boundary on the west side. No erosion controls were present". Pinkham asked was this cleared without a permit? LeRoy asked how large of an area was cleared? Cameron said he didn't know if his client had a permit to clear. Mr. Russotti interjected, "They told me I could cut trees". LeRoy asked did you pull the stumps? Russotti said, "No. I didn't know". I cut the trees to get the septic in. LeRoy said this is always a gray area. Cameron asked if there were any other questions. Chianese asked if there were any questions. Pinkham made a motion to table this item. Mills seconded the motion, and it carried unanimously at 10:20 pm.

Oil Mill Road, Parcel A

Regulated Activity # 590

Burtons Bridge, LLC

Assessor's Lot # H15377

Date of Receipt: 12/8/04.

Three-family residence, driveway, swale.

First 65 Days: 2/11/05. Second 65 Days: 4/17/05. Notice of Violation sent 12/13/04. Chairman Chianese introduced this application at 10:21 pm. LeRoy said go ahead and talk about it, even though the Notice of Violation was sent. Michael Mazzucco, P.E., identified himself again, and said he represents Burtons Bridge. He said they go hand in hand, the condominium project and the three-family residence, as originally proposed. So "we're trying to get this re-approval back". The whole condominium project has been redesigned, and there's a new bridge contractor plus a temporary bridge. Christian daCunha is here and has some photos to show you. The piers will now be drilled down, steel pipe, as the bridge footing, and concrete will be pumped into those steel pipes. It will "make an easier job" all the way around. Christian daCunha took the mic and identified himself. He said I was contacted right away to put those erosion controls in right away. He distributed a set of photographs to the Board, and apologized for only have one set. daCunha said they had mulched the area, temporarily mulched the stockpiles, and cleaned up the garbage. All silt fences have been corrected. We have a new bridge contractor. He discussed the oak planks for the temporary bridge, which "can be removed in five minutes if need be", and $\frac{3}{4}$ inch stone. LeRoy had two questions for him. daCunha said "this new contractor is a totally different breed". Mazzucco said where the temporary bridge is now, that could be moved over when they need to get the material and the machine over there. Then leave the machine there for maybe a month while they set the new bridge piers. LeRoy asked, "And you need a temporary bridge to do that?" Mazzucco explained why. LeRoy asked them to describe how the bridge will be built, since this is different. Mazzucco said it's really not a new bridge, just different footings. daCunha said there are 17 piers total, a caisson on a pile. Mazzucco said it will turn out to be "a much better job", albeit more costly. Chianese had a question on what Mazzucco is asking regarding the bridge. Charney asked is it the same area that will be used later on? LeRoy said "yes", it will be utilized later. I think its fine. Charney made a motion to okay the use of a temporary bridge during the construction of the permanent bridge. Matt Rose seconded the motion. The motion carried unanimously at 10:35 pm. Mills had a question on the clean up of the water going into the Still River. Mazzucco described the defined channel to be done later on, when the lot is approved. Pinkham made a motion to remove the Notice of Violation. Mills seconded the motion, and it carried unanimously at 10:37 pm.

Ginsburg Development CT, LLC

Regulated Activity # 592

Woodland Hills/Shelter Rock Rd.

Assessor's Lot # L14077

Date of Receipt: 12/15/04
1/12/05 EIC Minutes

Detention basin outlet stabilization.

First 65 Days: 2/18/05. Second 65 Days: 4/24/05. Frank Caico took the podium and identified and the GDC address on Shelter Rock Road. He said he is here to update the EIC about progress since our last meeting 12/15/04. There'd been questions on the extent of the disturbance, so our surveyor (Rotondo) located that area. Also, alternatives will be reviewed by Jim Rotondo. Also, we evaluated all of the outlet locations and the erosion and sedimentation controls. Mr. Davison is here and has done a preliminary evaluation only, due to the weather, and he will explain. We have not been able as yet, due to weather, to begin clearing that pond. It's frozen, though, so there is no danger. Jim Rotondo identified himself and address. We've prepared five different alternatives, Rotondo said, and we've come up with a prudent alternative. He passed out packets to Mr. LeRoy and Commission Members. Rotondo reviewed and summarized the alternatives: (1) Alternative 1, the map dated 1/7/05, is not prudent. (2) Alternative 2, with map dated 1/7/05, Rotondo described and said is not prudent. (3) Alternative 3 is in narrative format only (no map), and involves the excavation of a stable embankment; not prudent. (4) Alternative 4 we discussed at the last meeting, with map dated 1/7/05, and it's not prudent to remove the riprap. (5) Alternative 5, with map dated 1/7/05, "we feel is the most prudent". We maintain the bottom riprap and revegetated the slopes, use an oversized scour hole, and stabilize the area. Frank Caico added that a planting plan will be prepared in detail for the EIC. Mills asked Rotondo if it has been reflagged? Rotondo said "yes". Mills said I would like to see some kind of diagram, proposal, on Alternative 3. Rotondo said we can do that. Eric Davison next came forward, identified himself, and said he's a registered soil scientist "for the record". Davison displayed Alternative 5, dated 1/7/05, on the easel. Once the decision is made, we can come back with a detailed planting plan, the numbers and species. Davison flipped to map ST-1, "Storm Drainage Outfall Location Plan", dated 1/12/05. I walked the site and boundaries, Davison said. All the plunge pools are intact, but they should all be cleaned. Davison said he did a basic summary: this is a plunge pool to dissipate water velocity. There are transient species in my report, although you have not had time to review it yet. Davison asked if there are any questions. Chianese asked could you put the six outfalls into a formal report to us? Davison replied "yes", I assume at the next hearing we'll have that, and after a second site visit, another report. LeRoy said, "Well, we just got the reports", and removal of the material at the sediment basin still hasn't happened. Mills discussed getting the cleaning work done before the snow falls. Frank Caico said we were told not to do anything, and that's all documented, and he gave examples. The ground was frozen on 12/16/04, the day after our meeting on 12/15/04, Caico said. We want to "do what we said we would do", Caico said. Chianese made a motion to table this. Pinkham seconded the motion, and it carried unanimously at 11:05 pm.

NEW BUSINESS:

12 Great Pasture Road

Regulated Activity # 593

TDRAP, LLC

Assessor's Lot # L16010

Date of Receipt: 1/12/05.

Warehouse/ office building & driveway.

First 65 Days: 3/18/05. Second 65 Days: 5/22/05. Michael Mazzucco, P.E., again identified himself, and said he's representing TDRAP, LLC. We both (Mazzucco and Lee) notified the Town of Bethel. Mazzucco described the Boundary and Topography map on the easel, sheets one, two, and three, the Existing Conditions map. Pinkham asked give me an idea of where this is? Mazzucco said do you know where Putnam Self-Storage is? He described the vicinity and existing residential use for Pinkham. The wetland flagging was done by Henry T. Moeller. It shows the flood lines and where this area has been filled. Sheet four, the Site Plan, shows removal of the buildings in back, some parking, the tiered off grade now, and the turn-around area. The well on the side will be abandoned. City water with sanitary septic is proposed. Mazzucco showed map five, in color, showing the

wetland areas and stream in back. Pinkham asked about the size. Mazzucco said about a 75 foot by 80 foot building with about a 6000 sq.ft. footprint. Scott said he went out there. There was a zoning violation. The person who leased there addressed that zoning violation, Mazzucco said. Chianese asked why the 10 Great Pasture Road variance is in the chart. Lee explained because this likely has the same owner, Losito. That is an EIC permit extension. LeRoy had a question on the Existing Conditions map; it does not show the access way. There's a parking area. Vehicles parked there were under water. There are "piles of stuff all over the place down there", LeRoy said. Charney made a motion to table. Mills seconded the motion and it carried unanimously at 11:17 pm.

NOTICE(S) OF VIOLATIONS / CEASE & DESIST:

Follow-up to Notice of Violation, 9/23/04, to Jerome J. Bigelow, 46 Payne Road, Lot # M13005. Cease & Desist order, 10/6/04, to Bigelow, by Timothy Bunting, Assistant Zoning Enforcement Officer. 12/8/04 EIC voted to allow Bigelow to remove the topsoil, and have a Phase I Environmental Study performed. Scott T. LeRoy said I got a FAX today. "I guess we'll just wait". Henry T. Moeller is working on it, LeRoy said.

Notice of Violation 11/15/04 to James Fiorilla, EIC **525**, Deal Drive, re: noncompliance with Conditions of EIC Approval of 9/11/03. 12/8/04 EIC voted to allow installation of well before winter freeze. Jay D. Keillor, P.E., of Land Engineering Associates, Inc., identified himself and his address at 11:25 pm. He said Henry Moeller is here as is Mr. Fiorilla. Fiorilla picked the property in 2003 and gave its background. Keillor said I was out of the country at the time. The plans were done by an engineer in training, and "were probably not as good as I would have liked them to be". I'll pass out a new plan with marked wetlands done by Henry T. Moeller, 10/1/03, 1/7/05 and 1/12/05. On the easel, Keillor reviewed the plan with the EIC Members. This is a new plan. We have re-shot the lines, Keillor said. "Bottom line is there's no way to get a driveway down" to the ground floor slab. I'd like to apologize to the Commission. Push it further down the hill by about ten feet. The rounded wall has been constructed already. The new wetland flags are noted in blue. The green wetland flags were done in 2003 by Henry Moeller, Keillor said, and he introduced Mr. Moeller. Mills interrupted, "Mr. Chairman", this is a Notice of Violation. They should abide by the nine conditions of approval on the original application. "It was spelled out", Mills said, and they did not do what they were supposed to do. Chianese said the original maps were wrong. The driveway was wrong. The wetland was wrong. You're now asking us to approve a new map. That's a new application, Chianese said. We have to deal with the Notice of Violation. "It was all approved on false information". Rose and Pinkham asked for clarifications. Charney said from what I'm hearing, I agree we need a new application. We need to decide what to do with that Notice of Violation. Henry Moeller identified himself to the Board Members. I was asked to reflag the wetland. The condition of the property has been cleaned up, they planted grass, and it's heavily mulched. LeRoy asked why did the wetlands shrink? Moeller replied they didn't shrink. They're basically the same. He described the dam that was built and the disturbed soils due to the past work constructing Deal Drive. LeRoy asked was there a wetland loss since the old EIC application? Moeller answered, "Very slight." LeRoy said, "You're agreeing with me." Moeller said "yes". It was hard to evaluate, very dense, when I first went there. LeRoy asked is this a mapping error or a construction error? Charney said come back with a line-by-line proposal answering each Notice of Violation. Charney made a motion to table and for the applicant to come back with a line-by-line report to the Notice of Violation. Mills seconded the motion. Chianese asked you're still going to put the well in before the freeze? Fiorilla said I work every day. The motion carried unanimously at 11:40 pm.

Complaint letter, 12/1/04, re: Krauss, 126 West King Street, from DellaSorte. 12/22/04 S.

LeRoy sent certified letter re: violations and 1/12/05 meeting. Mr. Robert Krauss came to the podium and handed out a packet of documents and photographs to the EIC, and reviewed LeRoy's letter of 12/22/04. He enumerated Mr. DellaSorte's allegations. Krauss said only one of his allegations is true. The "fence serve to protect both my family and the wetlands". He described the lot layout on the highlighted map. Krauss said we purchased the property in October of 2000. Mr. DellaSorte parked on our property and stored stuff on our property; his grill, his dogs defecated and menaced my wife and my contractors. We have tried for over two years to discuss this with Mr. DellaSorte. In the last 28 years, we've owned four properties. We decided to put up that fence. I'm a hiker. In 2002, our surveyor staked the area extensively. We ordered an expensive fence. Krauss said I'll go through the photos by page numbers. Page 3 is where Mr. DellaSorte used to park. Page 4 shows his dogs. He said DellaSorte never asked him about a septic odor. "It's just a lie". Page 5 shows the wired stapling he installed on our fence for his dog fence. The fence is actually inches on our property, page 6. Page 7 shows the orange.....Sabrina Charney interrupted Krauss here. Charney said I understand your neighbor issues. This Commission is concerned with the health of the wetlands and watercourses. LeRoy described the issues of fencing in and over a wetland. Charney said those sections of the fence on the wetland will have to be removed. Krauss said I couldn't find any markers back there. Charney described where the fence will have to be removed. Krauss read from the 2/98 conditions of approval. Chianese and Pinkham discussed what is the issue before the EIC: only the wetlands, where the monuments are, the movement of wildlife, moving the fence at the "C" location, moving it to the wetland boundary, at least ten feet off the wetland boundary. Charney said I'd like to make a motion that this fence be moved and that part of the fence be opened, as early as possible, by the Spring. Pinkham seconded the motion. Chianese clarified Charney's motion. The motion carried unanimously at 11:59 pm.

Notice of Violation 12/13/04 to Burtons Bridge, LLC, EIC **389R**, EIC **590**, lifted in previous discussion tonight.

Notice of Violation 12/14/04 to City View Farm, LLC, re: 80-82 Brushy Hill Road (Kenneth Kovacs). See EIC **222**. Dom Chieffalo, Attorney at Law, at 64 Lake Avenue, Danbury, displayed an old map on the easel and identified himself. This is a 36-acre parcel surrounded by City of Danbury land, "nothing but rock", almost like a levee. Is it a wetland? It is not a sustainable wildlife habitat, Chieffalo said. My client has stockpiled some firewood and wood chips here. LeRoy said there are roadways that are greater than those on the plans. We saw screening operations and changed grades. We covered only maybe 10 to 15 acres of the 36, LeRoy said. Chieffalo said he got a variance for the driveway grade. Charney said I think what we'll want is a plan. Chieffalo said I'll let Henry T. Moeller talk, as he was there ten years ago and yesterday. Moeller described what he saw there and his 1996 report, what Ken Kovacs has done, some forestry, cut some roads in, stating what's been done has enhanced the site. Charney said, given the hour, we'd like to see a plan as to what he's done without proper permits. "We just don't have the information", Charney said. Moeller listed some protection and enhancement measures Kovacs has done. Mills said the 1996 permit has expired. One copy of the 1996 report is insufficient. Ken Kovacs described the permits he has, saying I don't have the means to do this. Charney said you can draw it on. We need a list of what's been done. Dom Chieffalo said I've sat down with Scott LeRoy a couple of times. LeRoy wants a topographical map of the whole property, 36 acres. My client does not have the money for a topographical map and to reflag the wetlands. Charney said if he cannot afford a professional engineer, then sit down and draw on this map. Give us more information for us to review. Chieffalo asked can we have more time? Kovacs said it's wintertime. LeRoy and Kovacs discussed whether they are roads or trails. Charney interrupted them, saying work with Scott LeRoy and let us know. Kovacs said I want you to know "I'm not being sneaky" about it. Chianese, Rose Kovacs and Moeller talked among themselves. Pinkham made a motion to move to the rest of the agenda.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: None.

ADMINISTRATIVE STAFF ACTIONS:

Chairman Chianese read these approvals:

62 & 84 Federal Road **Regulated Activity # 574**

Saturn of Connecticut, Inc. Assessor's Lot K11059, K11111, K11159, K11160, K11161

Date of Receipt: 9/22/04. Relocate Saturn, Saab dealerships.

First 65 Days: 11/26/04. Extension ltr.rec'd.11/1/04. Admin.Approval mailed 12/17/04.

Rose Hill Avenue, Bridge #04175 **Regulated Activity # 591**

City of Danbury Over Still River

Date of Receipt: 12/8/04. Replace bridge

First 65 Days: 2/11/05. Administrative Approval done 1/5/05.

25 Plumtrees Road **Regulated Activity # 319**

Plumpar, LLC (fka KILCO, LLC) Assessor's Lot # M12003

Date of Receipt: 12/8/04. 12/8/99 Permit Extension Request

First 65 Days: 2/11/05. (SP #99-14). Permit Extension Granted 12/17/04.

CORRESPONDENCE:

Letters 12/22/04 & 1/5/05 from M. Mazzucco, P.E., re: new plan for R. Mikelic, 252 Great Plain Road, EIC **573**, following 9/04 Notice of Violation and 8/04 Cease & Desist Order. Ben Chianese suggested they table this and hold an executive session to vote on it at the next meeting. Charney said she had a job to get to in the morning, referring to the late hour.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS:

Next Regular EIC Meeting scheduled 1/26/05.

ADJOURNMENT:

Tom Pinkham made a motion to adjourn. Charney seconded the motion and it carried unanimously at 12:15 pm.

Respectively Submitted,

Patricia M. Lee, EIC Secretary