



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENVIRONMENTAL IMPACT COMMISSION
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MINUTES

February 23, 2005

Common Council Chambers

Next regularly scheduled meeting date **3/9/05**.

Meeting opened at **7:30 pm**.

Members Present: Chairman Benjamin Chianese, Bruce R. Lees,
William Mills, Tom Pinkham,

Members Absent: C. Westney, S. Charney, Kevin Russell, Keith Prazeres, Matt Rose

Staff Present: Scott LeRoy, Dept. of Health & Housing,
JoAnne V. Read, Secretary,

Chairman Ben Chianese called the meeting to order at 7:30 pm, identified himself, and requested the Commission Members self-identify themselves from right to left, which they did. The first matter of business was acceptance of tonight's agenda as presented and revised. The motion was made, seconded and carried unanimously.

THE EXECUTIVE SESSION WHICH HAD BEEN SCHEDULED FOR 7 PM regarding the Magnet School, EIC **565**, HAS BEEN CANCELLED.

PUBLIC HEARING - 7:30 PM:

1 Scuppo Road / Samuels Court

Alderhouse Residential Communities

Regulated Activity #594

Assessor's Lot # F14073

Date of Receipt: 1/26/05.

36 Garden apartments in 2 buildings.

First 65 Days: 4/1/05. Second 65 Days: 6/5/05. S. LeRoy did Environmental Assessment Review 2/14/05. Public Hearing opens tonight. Rod Cameron from CCA, LLC, is project engineer. Steve Sullivan is civil engineer, and Matt Popp is environmental scientist.

Cameron reiterated the project description: 36 affordable housing units in two buildings; 20 one-bedroom units in building one, and a mix of one and two-bedroom units in building two. The parcel is a rectangular lot of seven acres which was split off a 17-acre parcel that the Housing Authority had previously planned to develop. There is an existing single-family dwelling on it and a man-made pond (13,600 sq.ft.). It slopes from the north to the south. A soil survey was done in September 2002 by Roy Shook for the original parcel before it was subdivided. An environmental evaluation was performed by Matt Popp of Environmental Land Solutions, which he will discuss. Steve Sullivan will go over the utilities. The area is served by municipal water and sewer, and the water and sewer lines

are proposed along the driveway. All other utility lines will run along the eastern side of the property. He described the stormwater management system. Matt Popp said they had prepared the Environmental Assessment Report. There are three types of soil on the site and wildlife. Popp discussed the stormwater drainage, repeating what Sullivan had said. There are 3 measures that address the wetland discharge. He described one and two. The third is a larger sedimentation basin. The fourth is a meadow edge buffer along the pond. They considered filling the wetland pocket, but decided to wait for the Commission's input. Cameron said they have received the Environmental Assessment Review and are prepared to address those comments. Chianese suggested they wait for the Public's and Scott T. LeRoy's comments. Chianese then read the Legal Notice into the record, and asked for comments from the Public. Lynn Waller of 83 Highland Avenue came forward, identified herself and signed in. She said she lives down the hill from Scuppo Road, and her concern is whether the pond will be safe for children and will there be ducks there. She is concerned about the safety of the area. No one else from the Public came forward to speak. Chianese asked what activity is proposed for outside of the regulated area. Cameron said one building is the only thing outside of the regulated area. Chianese asked for an alternate plan where the building is not in that area. Cameron replied that that would require them to eliminate 16 units, which would make this project not economically viable. Chianese then asked about the pond and future maintenance. Cameron said the original owner put the pond in, and they are not proposing any specific maintenance. Sullivan interjected that they have provided some measures that will protect the pond. Popp said it has piping that can be used to drain or fill it, if necessary. Pinkham asked about the wetland pocket and the 12-foot wide road between the two wetlands. Cameron said that it is an existing driveway. LeRoy asked why was it left there? Cameron said it is for emergency access, and it will be one-way. LeRoy asked for an alternate access. Mills said he had done a site walk on the property. He asked that it be re-flagged because many are missing. Mills also requested that the buildings be staked. Are they going to widen the ten-foot wide entrance from Scuppo Road? Cameron said yes, it will be widened to 25 feet. Mills asked if they will be cutting into the land. Cameron said they have easements and will be raising the grade along the driveway to reduce the steepness. He also discussed the drainage, catch basins and curtain drains along the driveway into the site. Mills asked if the road will be 20 feet all the way up, with no retaining walls? Sullivan said that is correct. More discussion followed about the retaining wall around the wetland. LeRoy said they may have to do an alternative to this plan because it may not work the way they have it designed. LeRoy asked Matt Popp to address the enhancement systems they are proposing. He discussed the pond, probably 8 to 10 feet deep, and LeRoy suggested they bring in things or creatures to enhance it. LeRoy then asked about the trees near the parking area, saying usually want to cut them down next to parking lots so as to protect their cars. Chianese asked the distance from the wetlands to the flat part of building one. Cameron said it was about 32 feet. Pinkham asked if they had considered parking under the buildings, at least under building two. Cameron said it could be feasible. Mills asked if they have considered a Conservation Easement for any of the property. Cameron said it could be possible. Lees said most of the development is being proposed in the regulated area. Cameron said they understand the Commission's concerns, but they need to make the project viable for the developers. LeRoy said he is waiting for a meeting with the engineers and soil scientist. Lees made a motion to continue this Public Hearing until the March 9th meeting. Pinkham seconded the motion, and it carried unanimously.

OLD BUSINESS:

Oil Mill Road; Parcel A Burtons Bridge, LLC

Date of Receipt: 12/8/04.

First 65 Days: 2/11/05. Second 65 Days: 4/17/05. Notice of Violation reinstated 2/9/05.

Chairman Chianese asked Scott T. LeRoy to address the Notice of Violation being reinstated.

LeRoy said a whole set of new contractors was brought in since the first Notice was issued.

Scott said he'd visited the site, and there is someone in City Hall who is a subcontractor who

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Regulated Activity # 590

Assessor's Lot # H15377

Three-family residence, driveway, swale.

will be doing weekly inspections at this site. LeRoy said it looks good there now, and they should release the Notice of Violation. It's 100% better than last time. LeRoy has not done a report yet, but he will. Lees motioned to remove the Notice of Violation. Mills seconded the motion, and the motion carried unanimously. LeRoy suggested they throw this to Administrative Approval, and he will ask the applicant for additional plantings to increase the buffer area. Pinkham motioned to move this to Administrative Approval. Mills seconded the motion, and it carried unanimously.

**12 Great Pasture Road
TDRAP, LLC**

Date of Receipt: 1/12/05.

First 65 Days: 3/18/05. Second 65 Days: 5/22/05. Michael J. Mazzucco, P.E., took the mic, identified himself and said he represents Tim Draper. LeRoy had asked that the applicant clean up the site. It had not been done to his satisfaction, but now it has been done, the topsoil moved away from the regulated area, the vehicles cleaned up, and the area flagged. LeRoy said he was there today and was hoping that they would remove the materials from the site, not just move them to a different spot on the site. Chianese suggested tabling this application. LeRoy disagreed, saying he would prefer to talk about it. LeRoy asked for a wetland enhancement to be added to the plan. He suggested shifting the building back so less impervious surface is required. Mazzucco said the applicant is trying to retain half of the existing residence for office space. LeRoy said he thought the residence was being taken down. If it comes to a choice between creating impervious surface versus keeping the house, he will be in favor of losing the house. LeRoy suggested an alternative be presented. There's no sewer in this area, but they do have municipal water. LeRoy asked where the septic reserve area is, and Mazzucco replied it is an existing system and they are just expanding it. Chianese suggested turning the building around. Mazzucco said the building is almost square and almost up against the property line on one side. LeRoy said they want the parking moved. Pinkham asked Mazzucco to see what he could come up with for the next meeting 3/9/05. Mills motioned to table the discussion. Pinkham seconded the motion, and it carried unanimously.

Regulated Activity # 593

Assessor's Lot # L16010

Warehouse/ office building & driveway.

**258 Great Plain Road
William S. Coffey**

Date of Receipt: 1/26/05.

First 65 Days: 4/1/05. Second 65 Days: 6/5/05. Comments received from Candlewood Lake Authority on 2/9/05. Mark Kornhaas, P.E., of Artel Engineering Group, LLC, requested this be tabled. Pinkham made a motion to table this. Lees seconded the motion and it carried unanimously.

Regulated Activity # 564R

Assessor's Lot # J04011

Sea wall, walkway, rebuild dock.

**22 Long Ridge Road
Carl D. & Susan S. Johnson**

Date of Receipt: 2/9/05

First 65 Days: 4/1/05. Second 65 Days: 6/5/05. The Johnson's attorney, Robin A. Kahn, requested this item be tabled until 4/13/05. LeRoy said the issue is that they have to wait for the report from the DEP. Lees made a motion to table this. Mills seconded the motion and it carried unanimously.

Regulated Activity # 596

Assessor's Lot # J20031

Single-family home, driveway, septic.

**25 Rowan Street
Echavarria. LLC / Hat City Homes**

Date of Receipt: 2/9/05.

First 65 Days: 4/1/05. Second 65 Days: 6/5/05. Engineer Mark Kornhaas came forward and said that they had just received comments from Steve Danzer, Ph.D., today. Kornhaas would like to address these at the next meeting on 3/9/05. Pinkham made a motion to table this. Mills seconded the motion, and it carried unanimously.

Regulated Activity # 597

Assessor's Lot # I12068, I12069

Affordable Housing - 6 units in 2 buildings.

**32 Oakland Avenue
Investor Property, LLC**

Date of Receipt: 2/9/05.

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Regulated Activity # 599

Assessor Lot # I11050

Two 3-bedroom condominium buildings.

First 65 Days: 4/1/05. Second 65 Days: 6/5/05. Mark Kornhaas, P.E., from Artel Engineering Group, LLC, said that Dainius Virbickas, P.E., was at the last meeting, and it was requested that additional plantings be added. Kornhaas described the changes they proposed. Mills asked about the swale. Kornhaas said it is designed to drain down into the back toward the Padanaram Brook. Chianese asked that the building be moved forward. Scott LeRoy answered that the Zoning Regulations do not allow parking in the front yard. Chianese said he wants to see the regulated area is protected. Kornhaas said they will try. This property was built upon before that structure was demolished. LeRoy recommended that this be moved to Administrative Approval. Pinkham motioned to that effect. There was NO second on the motion. Mills motioned to table EIC 599. Lees seconded the motion, and the application was tabled.

**Wibling Road – Danbury Airport
City of Danbury**

Date of Receipt: 2/7/05.

First 65 Days: 2/1/05. Second 65 Days: 6/5/05. Rod Cameron, P.E., with CCA, LLC, introduced himself. He said this project is reconstruction and expansion of the existing parking area. The leased area is approximately 1.72 acres. The City proposes to lease space to Weeks Automotive for their overflow vehicle storage, not as a parking lot. LeRoy asked Cameron about the wetland impact. Cameron said the existing wetland edge runs along the entire distance of the lot. The wetland area runs from 5 feet to 30 feet. They are proposing to improve the pavement and put in a detention basin to carry the runoff. Pinkham asked the current use of the property. LeRoy said it was previously used as a military museum, and the pavement is all broken up. Chianese asked are they planning on paving over the entire area? LeRoy said they could just pave it without improving it. LeRoy said this has been scaled back at his request. This is a compromise, LeRoy continued, and it's a lot more reasonable than the previous proposal. They are adding wetland treatment, improving the drainage, with almost no wetland impact. The airport has never failed to comply with regulations. Pinkham said if this was a different applicant, the EIC would have an issue with the proposal to move the driveway 6 feet from the wetland boundary. LeRoy said this is not a grassed area; it is currently a paved lot. LeRoy said the airport is very rigorous about their wetland maintenance. Pinkham said his concern is that someone looking at this project will see that the City is allowed to go within six feet of the wetlands. LeRoy pointed out they can just pave it without EIC approval. But if they do that, we will not benefit by the improvements this plan is proposing. Lees said he would like to table this and do an on-site visit. Chianese said he would like it presented as a normal application with full-size maps. Lees motion was seconded by Tom Pinkham. Mills said, for clarification, can the applicant provide a map of what it looks like now, and what they are proposing to do. Cameron said they will do an existing conditions map and a proposed improvements plan. Chianese said they did table this, so it will be discussed at the next meeting.

Regulated Activity # 600

Assessor's Lot # G18001

Reconstruction of parking area.

NEW BUSINESS:

**47-51 Middle River Road
The Estates at Middle River**

Date of Receipt: 2/23/05.

First 65 Days: 4/29/05. Second 65 Days: 7/3/05. Michael J. Mazzucco, P.E., came forward, identified himself and said this was approved by the EIC as a four-lot subdivision with a common driveway. However, during the Planning Dept. review, the Engineering Dept. and the Highway Dept. had problems with the common driveway and the drainage. They wanted a road and significant improvements. After the applicant spoke to Bill Buckley, he decided to reduce this to two lots. There were just too many problems with the four-lot proposal, Mazzucco said. Now they have almost no regulated activity. Chianese asked if this needed a Public Hearing, and LeRoy replied no. Chianese asked if there was any Conservation Easement necessary, and Mazzucco replied no. Lees asked if all water treatment that was previously proposed had been carried over to this application, and Mazzucco answered yes. Pinkham motioned to move this EIC 557R to Administrative

Regulated Activity #557R

Assessor's Lot # E12001

Two Single-family Residences (Revision).

Approval. Mills seconded the motion and it carried unanimously.

**50 Beaver Brook Road
James & Beth D'Entremont**

Regulated Activity #601

Assessor's Lot # K12176

Date of Receipt: 2/23/05.

Warehouse/ Office Building.

First 65 Days: 4/29/05. Second 65 Days: 7/3/05. Benjamin V. Doto, III, P.E., identified himself, and described this three-acre site on the west side of Beaver Brook Road, diagonally across from the Board of Education offices. They propose to construct an approximately 11,000 sq.ft. mixed-use warehouse building. They will be disturbing the wetlands. We've considered a few alternatives. Alternative A is a traditional site plan with parking in front and loading in back. The first things we looked at were issues that did not go, because there was more wetland disturbance with this plan. Alternative B has the parking in back, and we tried to connect all three wetland areas, but this had more wetland disturbance than A, but B helped with the drainage. Alternate C is the proposal before you tonight. We moved the building up, as far away from the wetlands as possible. Doto said there is limited wetland disturbance, and we directed the drainage to follow the natural patterns. This has a smaller building than the other proposals. Very little drainage comes down onto the site because the adjacent property creates a berm, Doto said. The independent soil scientist hired by the applicant liked this alternative better. A second opinion was from soil scientist Roy Shook, and he agreed that Alternative C is the best plan. We have letters from both scientists. Doto said his concern with Alternative A is that, because of the slope, they would have to do quite a bit of earthwork that might look to be right on the site, but it is difficult to present in a plan. Chianese asked how far from the wetlands they intend to put the building. Doto replied slightly over 50 feet. Chianese asked had they tried to move it away from the wetlands. Doto said they did try, but in order to push the building back that far, it would require the construction of a retaining wall. LeRoy volunteered that he has seen several proposals for this parcel, including plans to park cars. The applicants prefer Alternate C as his final choice; when he approached Mr. Doto he had the first proposal from his soil scientist. The applicant owns a septic installation business and will be storing his construction equipment on-site. Pinkham motioned to table this till the next meeting. Lees seconded the motion, and it carried unanimously.

**28 Oakland Avenue (Casali)
Oakland Avenue Associates, LLC**

Regulated Activity #602

Assessor's Lot # I11048

Date of Receipt: 2/23/05.

Two-family residential dwelling.

First 65 Days: 4/29/05. Second 65 Days: 7/3/05. Rod Cameron, P.E., of CCA, LLC, took the mic. He said there will be no filling of the wetlands or watercourses. The site is .33 acres, flat, sloping down to Padanaram Brook. The wetlands have been flagged. The building is proposed in the northwest corner of the lot. Chianese asked if there is any way to move the building away from Padanaram Brook? Or, if they change it to a one-family, could they move the building farther away from the brook? Cameron said that could be possible. Chianese asked Cameron to provide this plan for a one-family dwelling to the EIC. Lees motioned to table to the 3/9/05 meeting. Mills seconded the motion and it carried unanimously.

**88 South Street (Botelho)
Danbury Victorian Associates**

Regulated Activity #603

Assessor's Lot # J15245

Date of Receipt: 2/23/05

Fifteen 3-bedroom townhouses.

First 65 Days: 4/29/05. Second 65 Days: 7/3/05. A letter was received today from Mark Kornhaas of Artel Engineering requesting that this be tabled. Lees made a motion to table EIC 603. Mills seconded the motion, and it carried unanimously.

**46 Merrimac Street
Sebastian T. DeOliveira**

Regulated Activity #604

Assessor's Lot # H15051

Date of Receipt: 2/23/05.

Three multi-family dwellings.

First 65 Days: 4/29/05. Second 65 Days: 7/3/05. Michael J. Mazzucco, P.E., identified himself again, and said this is a two-family located near the street with a detached garage

and carport. There is a series of retaining walls on the property. The proposal is to add a two-family, a three-family, and convert the existing two-family dwelling to a three-family. The proposal will combine two parcels into one. The lot drops down in back to the Still River. City water and sewer are available. The parcel is down in elevation from the road so the sewer would be pumped up to the street. Just about the entire area is in a regulated area, Mazzucco said. Chianese asked will they be filling it? Mazzucco answered no, there will be a retaining wall put in to hold up the driveway. Chianese asked if there are any alternatives to this plan. Mazzucco said no, because even if they start moving the buildings around, there is nothing else can be done. We don't want to put a wall in or try to excavate, Mazzucco said. We're waiting for a report from Henry T. Moeller. Moeller noted that there is some drainage from another site that crosses the parcel. Chianese asked if there is any stormwater treatment proposed. Mazzucco said no, because there is a minimal amount that will need to be moved. Chianese asked that the buildings be staked. Chianese asked if they had an existing conditions map, and Mazzucco replied that it is included in the package. LeRoy said there is no direct impact on the wetlands. Mazzucco said they kept everything toward the front to avoid impacting the wetlands. Tom Pinkham made a motion to table this. Mills seconded the motion, and it carried unanimously.

**54 West Redding Road
Joseph Carty**

Regulated Activity # 605

Assessor's Lot # 124012

Date of Receipt: 2/23/05.

SF residence, well, septic, driveway. First 65

Days: 4/29/05. Second 65 Days: 7/3/05. Michael J. Mazzucco, P.E., again took the mic. He said this site was a previously approved lot in a ten-year old subdivision. It had been already approved by the EIC. The septic is generally in the same spot as the original plan. The house has been moved slightly from the original plan to the one good spot for site access from the road. Mazzucco described the area and location of the road. There's a brook in back of the property. There is a conservation area from the previous approval. LeRoy asked if there was any wetland or watercourse impact. Mazzucco replied no. LeRoy said he is adhering to the original approval. Lees asked if the previous approval has expired, and Mazzucco answered yes. Pinkham made a motion to move this to Administrative Approval. Lees seconded the motion. LeRoy said as long as there is no wetland or watercourse impact, he can do this, and there is already a Conservation Easement on file. The motion carried unanimously.

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. No action taken.

Follow-up to complaint letter, 12/1/04, re: Krauss, 126 West King Street, from DellaSorte. 12/22/04 S. LeRoy sent certified letter re: violations. Issue opened at 1/12/05 meeting. Krauss was given till spring to remove fence. No action taken.

Follow-up to Notice of Violation 12/14/04 to City View Farm, LLC, re: 80-82 Brushy Hill Road (Kenneth Kovacs-EIC **222**). Request to **table** till 2/9/05 received 1/25/05. LeRoy said Attorney Dom Chieffalo and Michael Mazzucco are working on this, and they will present a map. No action taken.

Follow-up of Notice of Violation and denial, 12/10/04, to William S. Coffey, Jr., 43 Beaver Brook Road, EIC **585**. LeRoy said the engineer hired by Coffey has said he cannot do the job, so Coffey is trying to find someone else. Chianese said they should have talked about this earlier in the meeting because they tend to rush it through by the time the Commission gets to it. He is trying to remedy the situation. Mills said this has been on the agenda for a long time. Pinkham said hopefully he sill have a new engineer by the next meeting.

Chianese said they had given him a direction as to which way he should proceed, and Mr. LeRoy should not be designing plans for people. LeRoy said, unfortunately, it is winter and Coffey has lost his engineer. No action taken.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL:

Jeffrey Court & Hospital Avenue Regulated Activity # 595

BRT General Corporation Assessor's Lot #'s J11215, J11216, J11217, J11218
Date of Receipt: 1/26/05 Hillside Gardens, 28 apartments in 3 buildings
First 65 Days: 1/26/05. Second 65 Days: 4/1/05. Administrative Approval requested.
This is not a regulated activity, per Mr. LeRoy. No action taken.

Woodland Hills/Shelter Rock Rd. Regulated Activity # 592

Ginsburg Development CT, LLC Assessor's Lot # L14077
Date of Receipt: 12/15/04 Detention basin outlet stabilization.
First 65 Days: 2/18/05. Second 65 Days: 4/24/05. Site Inspection Report rec'd. 1/21/05
re: drainage outfalls. Conceptual Mitigation Plan received 1/25/05. Stream remediation
letter received 2/8/05. Mr. LeRoy approved this administratively 2/22/05.

17 Aspen Way

John Bruno (Cosmo Mazza)

Date of Receipt: 2/9/05.
First 65 Days: 4/1/05. Second 65 Days: 6/5/05. Engineering Dept. requested revision.
Approved administratively by S. LeRoy 2/22/05.

Regulated Activity # 540 R

Assessor's Lot # L04006
Dwelling, driveway, well, septic.

Plumtrees Road

Plumpar, LLC

Date of Receipt: 2/9/05.
First 65 Days: 4/1/05. Second 65 Days: 6/5/05. (formerly KILCO, LLC) 2/22/05 Approved
administratively by S. LeRoy.

Regulated Activity # 319 R

Assessor's Lot # M12003
Storage of equipment & building materials.

ADMINISTRATIVE STAFF APPROVALS:

Danbury Railroad Station

City of Danbury

Date of Receipt: 2/9/05.
First 65 Days: 4/1/05. Administrative Approval done by S. LeRoy 2/14/05.

Regulated Activity # 598

Assessor's Lot # I14268
Replacement of East Ditch storm sewer.

CORRESPONDENCE:

Withdrawal letter rec'd. 2/10/05 from Padanaram/Eastwood Road, **EIC 587**. Applicant will re-apply.

Letter from McChord Engineering re: pond & septic revision, George Hull Hill Road, Redding.

Permit Application for the Use of Pesticides by Aquatic Control Technology, Inc., at Boehringer Ponds, Briar Ridge Road, Danbury.

EIC ADMINISTRATION, OPERATIONS, & FUTURE AGENDA ITEMS:

William Mills said he's noticed on Prindle Lane, where Interstate Business Center, LLC, is putting up a new structure, they had clear-cut and bulldozed the lot. Mills contacted LeRoy and found that they were not in compliance with their conditions of approval (EIC 494, Lot D14001, approved with conditions 7/24/03). LeRoy said they have hired a soil scientist and he will be providing EIC with a report.

Discussion and Possible Vote on Bylaws:

Chianese said he handed out proposed changes at the last meeting. This was the result of subcommittee meetings held in November 2004, of which Mills was chairman. These bylaws have been through Corporation Counsel and they have noted their changes on the copy. Mills motions that the bylaws as updated be approved. Lees seconded the motion and it carried unanimously. Pinkham made a motion to have the EIC bylaws as updated become effective 4/1/05. Mills seconded the motion, and it carried unanimously.

Discuss and schedule Regulations & Fee Update Workshop: No action taken.

ADJOURNMENT:

Motion to adjourn by Thomas Pinkham, Jr. Second by William Mills. Motion passed unanimously at 10:28 pm.

Respectfully submitted,

JoAnne V. Read for
Patricia M. Lee