



CITY OF DANBURY
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ENVIRONMENTAL IMPACT COMMISSION
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MINUTES

April 27, 2005

Common Council Chambers

Next regularly scheduled meeting date **5/11/05**.

Chairman Benjamin Chianese opened the meeting at 7:40 pm, and asked the Commissioners to identify themselves left to right, which they did.

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

Members Absent: Craig Westney, Kevin Russell, Keith Prazeres

Staff Present: Scott T. LeRoy, MPH, MS, Dept. of Health & Housing, Patricia Lee, EIC Secretary

Chairman Chianese announced that Alternate Matthew Rose is sitting in for Sabrina Charney (resigned). Tom Pinkham motioned to accept tonight's agenda as presented. William Mills seconded the motion, and it carried unanimously. Chairman Chianese announced, as a housekeeping issue, that a curfew of 11 pm will be placed on these meetings, and any incomplete applications will be tabled. Bruce R. Lees motioned to accept the minutes from the 3/9/05 meeting as presented. Pinkham seconded this motion, and it carried unanimously at 7:41 pm.

NOTICE(S) OF VIOLATIONS / CEASE & DESIST:

Continue to 4/13/05, 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. Letter from Environmental Planning Svcs. rec'd. 4/13/05 from Michael Klein. Scott LeRoy introduced this topic and read Klein's letter. LeRoy said 50% of the topsoil has been removed, and Michael Klein is working on the project to determine what areas have been filled or not filled. It "does take a little time", LeRoy said; "it's going well".

Follow-up to Notice of Violation 12/14/04 to City View Farm, LLC, re: 80-82 Brushy Hill Road (Kenneth Kovacs - EIC **222**). LeRoy remained at the microphone and discussed the Tarrywile Lake master plan. LeRoy said I met with the attorney and Ken Kovacs and told them of the "potential encroachments". He's got to get a surveyor to determine the boundaries, and Henry T. Moeller, soil scientist, will be hired. There are 39 acres, LeRoy continued. "He has to create the baseline data". "It seems like it's going along", LeRoy

concluded.

Follow-up of Notice of Violation and denial, 12/10/04, to William S. Coffey, Jr., 43 Beaver Brook Road, EIC **585**. Contracting new engineer as of 2/23/05 and 3/9/05 meeting. Scott T. LeRoy remained at the mic and used the overlay plan on the easel, as Secretary Lee handed out the preliminary REMA Ecological Services report dated 4/27/05, prepared by George T. Logan, Wetland & Soil Scientist, and Sigrun N. Gadwa, Ecologist and Soil Scientist. LeRoy described the site and what the site walk showed. The whole area is a regulated area. To restore this area, he needs a remediation plan and to make sure it's stable. Also, when Mark Massoud was here, LeRoy continued, we found an old letter from the previous owner (S & B Tree Experts, EIC 156). Dainius Virbickas, P.E., came forward, identified himself, and said, if I may, Mr. Coffey asked me and my firm to get involved. Virbickas described the history of events. GZA pulled out in mid-winter. We talked to George Logan and walked the site in the snow. He has installed the silt fences. Virbickas said I met with Mr. Coffey today. The woodchips in the upper wetland area will be raked out of those areas. "Of course, we're working close with Scott" and the EIC. Mr. Logan does have this previous Notice of Violation from Massoud. Mr. Coffey inherited this. The thought from GZA was that there are wetlands upslope but parallel to the River. We'll have George Logan look into it further. Stabilizing is reasonable and logical. On May 11, Logan will have a report presentation and proposal for use in the front. Mr. Coffey wants to put this behind him, Virbickas concluded. Chianese asked, so Scott, are you satisfied? LeRoy said I told them to fix the erosion controls first, then get those materials out. Mills asked LeRoy and Chianese was there a question of backfilling. Aren't they going to take that back out? LeRoy answered yes, and described that area. Mills asked if the site is being utilized now. Chianese said by the next meeting, all that fill will be removed. Bill Coffey, Sr., took the mic, saying it's our intention to remove all of it out there "as soon as we possibly can". All is stabilized. The only thing down there is a screener, plus screened and unscreened topsoil, Coffey said. LeRoy told him to fix the violation, then come in with a new application. "I think it's fair we should talk about it", LeRoy said. Mills suggested the EIC take an "after" site walk, after the violations are fixed. LeRoy said okay.

Cease & Desist Order sent 4/19/05, 258 Great Plain Road, Regulated Activity # **564R**, William S. Coffey, Assessor's Lot # J04011. Admin. Approval by S. LeRoy 3/14/05. Complaint ltr. rec'd. from CLA 4/15/05. Scott T. LeRoy said in your hands you have a copy of the 4/19/05 Cease & Desist Order issued to Bill Coffey, Jr. I guess we have an anonymous complaint from a neighbor. I had them talk to Candlewood Lake Authority (CLA) for the second application. Brian Wood tagged all the trees to be cut and "spent a lot of time" on this project. I approved it administratively, and two weeks later received a call, and CLA received a call. The plan is not in conformance. All the trees were cut. They were sliding machinery down the slope instead of working from the water side. No submission was made to the Building Dept. for the seawall. Brian Wood said he's "not following the plan either". I stopped all of his building inspections. This needs to all be fixed. He and his engineer are here tonight. Dainius Virbickas, P.E., took the podium and identified himself and address at 8:03 pm. He described what Mr. Coffey started to do. The Lake level had been rising, so Coffey could not go in from the water, so he decided to work from the top. He did contact Louis Ramunni, the engineer, and followed his recommendations for a footing. The water is now about ten inches higher than the top of the footing. Virbickas handed a photograph to Ben Chianese. His intention, Virbickas said, is to take the on-site stones and set them against the lower portion of the wall to break up the wave action. LeRoy had a question on the third & fourth conditions of approval; why didn't Coffey contact us for a change of plan? And do the work before the water rises? Seeing as he already had a violation on the previous property, why didn't he contact the Health Department? Chianese had a question on cutting trees. Virbickas said the trees were tagged and they were cut. They fell and damaged other trees. That's my understanding, Virbickas said. LeRoy asked are there any photos showing the sea wall, the cutting, the grades? LeRoy and Virbickas discussed the previous septic study. Pinkham asked what's the difference between the approved wall and this wall? LeRoy said you need to open up the approved map. He needs

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an engineered seawall. Frost will take it down in three years. Bill Coffey, Jr., took the mic at 8:10 pm, stating, "I couldn't do it". The engineer has not given me the plan, the specifications, but I will have the plan in my possession tomorrow. Coffey described how the trees were being "choked". It's all constructed, all seeded and hayed. I guess "I'm over-zealous" with the construction of the wall. I have to get the wall in; we have a 60% slope. Pinkham said, but you didn't come back to us with changes. You changed the design, right? Coffey said, "No, I did not", except for going from the house down the slope instead of from the water. Mills had a question on the trees. The trees were tagged by myself, Coffey said, not the CLA. Coffey and LeRoy discussed CLA's recommendations, the amount of fill, trees, vegetation, the wall to be engineer-designed before building. In my opinion, LeRoy said, that was not done. LeRoy said the hold on the home will stand until the EIC and the CLA are satisfied. I agree that we should have those recommendations in writing by the next meeting. The Commissioners agreed. Virbickas said we'll "sit tight". The site is stable now. The Commission can come out and see it. We'll work with Scott T. LeRoy and the CLA. This topic was closed at 8:15 pm.

PUBLIC HEARINGS:

5 Scuppo Road / Samuels Court

Regulated Activity # 594

Alderhouse Residential Communities Assessor's Lot # F14071, RA-40 Zone

Date of Receipt: 1/26/05.

28 Garden apartments in 1 building.

First 65 Days: 4/1/05. Second 65 Days: 6/5/05. S. LeRoy did Environmental Assessment Review 2/14/05. Public Hearing opened 2/23/05 continued. 3/10/05 Wetland clarification letter done by S. LeRoy. Layout plan received 3/14/05. Extension ltr. rec'd. 3/29/05. Revisions to plans rec'd. 4/13/05, 4/25/05. Chianese introduced this Public Hearing and said the applicant has fifteen minutes for the presentation. Anthony Lucera, owner, came forward and identified himself. He said a plan has been submitted this week for 28 units. Lucera gave a brief history of the reduction of the application. Rod Cameron, Engineer with CCA, LLC, took the mic, identified himself, and said we refined the concept since the last meeting. He pulled the microphone over to the easel. We said we'd replicate the wetlands and, in addition, we're providing that amount so that it's a two to one ratio. We're providing twice the wetlands. We took advantage of the existing stone walls, Cameron said. We've provided 9408 sq.ft. of wetland buffer in addition. This is best seen on our Landscape and Open Space Plan. We're providing a Conservation / Wildlife mix which is not standard for the industry. Cameron described the plantings, trees, habitat developed as suggested by Mr. LeRoy, the added brush and enhancements, a screech owl box, bluebird box. We lowered the elevation of the building and access road, and therefore the parking. "It will be relatively minimal". There's to be two retaining walls, one on either side of the building, an enclosed trash area, & storage facility. Chianese asked about a Conservation Easement. Lucera said Matt Popp is here to address that. He asked if there are any questions. LeRoy and Mills had questions for Cameron regarding stormwater treatment and grading. Chianese opened the meeting up to the Public at 8:29 pm. He asked three times if there were any members of the audience who wish to speak for or in opposition to this request. Chianese said the Public Hearing will probably close this evening. LeRoy said this proposal seems more appropriate. Cameron added, one more thing, the roof drains are going to the new wetland. It's the most environmentally sound approach. Pinkham made a motion to close the Public Hearing. Rose seconded the motion, and it carried unanimously at 8:30 pm.

88 South Street (Botelho)

Regulated Activity #603

Danbury Victorian Associates

Assessor's Lot # J15245, RMF-4 Zone

Date of Receipt: 2/23/05
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Fifteen 3-bedroom townhouses.

First 65 Days: 4/29/05. Second 65 Days: 7/3/05. New wetlands location & revised application rec'd. 3/9/05. S. LeRoy did site walk 3/22/05. Ltrs. from 2 Ehrhards, former residents, rec'd. 4/15/05. Extension ltr. rec'd. 4/21/05. Chairman Chianese introduced this item, stating the applicant will have approximately 15 minutes, then the Public will have 15 minutes. Mark Kornhaas came forward, identified himself and submitted three letters from abutting neighbors (Exhibit #1) with no objections to Botelho's project. Kornhaas said we also have an aerial photograph from 1985 (Exhibit #2), and he described the vicinity, an older neighborhood with City water & sewer, the stormwater collection and detention proposed. The area was flagged by Henry T. Moeller and we have his report. The wetlands are 5.9% of the site on the rear property line, the uppermost portion of the site. We've made this project more linear, Kornhaas said. The orange line is the 100 ft. regulated upland area. The wetland can be described as a "hillside seep"; it just weeps out. It's an isolated pocket. There's a 6% to 7% grade, no pools or ponding, the quality of the wetland is not high, and it does not presently renovate the stormwater. Kornhaas continued, we plan to reshape the wetlands and the area, and create a wet meadow. We will "flatten that out". There's 6" to 10" of hard pan clay soil. Kornhaas described the roof drains, retention and infiltration system; we're "actually creating more valuable wetlands", with plantings, alders, dogwoods, evergreens and winterberry. Pinkham asked about the square footage of the wetlands. Kornhaas responded with what's there now and what is proposed. Kornhaas said Henry Moeller is still on vacation. Chianese asked to see the previous plan. Kornhaas said there were 15 units before and now, and displayed both maps. The first plan had no mitigation; now we're reshaping the wetlands. LeRoy said we asked for less impact. Chianese said, "I was going that way". Kornhaas said I could quantify that for you. Mills had questions on the upland area, the water coming from Harrison Street, and where the water from the impervious surface is going to go. Kornhaas described the proposed detention system, leading to the City drains on South Street. LeRoy asked where is the treatment. Kornhaas said we have to add the treatment plan. We could make that a perforated pipe and add infiltration and treatment. Pinkham had questions on the color-coded map. Kornhaas described the planted area on the hill behind the site, and the 5000 sq.ft. of "enhanced" area. LeRoy, Kornhaas, Pinkham, and Rose discussed the plan, an alternate plan, moving the detention area, and the upland buffer around it. Pinkham said so we have to wait to find out. Kornhaas said we will prepare another alternative and a couple of other things we have to address. Chianese asked if there was any member of the audience who wished to speak either for or in opposition to this issue.

George Francomano of 9 Colby Lane signed in and took the mic. He had spoken to Mr. Botelho, he said, in the past, but Botelho tore down all the trees. Since then, any rain that's more than a drizzle cuts through my property, and created ditches. Francomano showed on the map where his house is located. Chianese asked three times if there was any member of the public who wished to speak for or against this application. Lees said I stopped by the site today, and I didn't see any ponding. Robert Botelho came forward asking to address Mr. Francomano's comments. Botelho said I met all of the neighbors, and I promised we'd put trees around the perimeter. Then the recession came, and it was not done. I would certainly like to correct that now. Chianese asked if he'd done clear cutting. Botelho responded, there weren't any trees there originally, as the affidavits and aerial photos show. I cleared it, Botelho said, when the neighbors were using it as a dumping ground. One was using it for a garden. I cleared it to make a claim to the property and to do something with it. "I was getting firewood". Lees made a motion to continue this Public Hearing to 5/11/05. Pinkham seconded the motion, and it carried unanimously at 8:57 pm.

Saw Mill Road – The Reserve

Regulated Activity # 607

Woodland Group II, LLC

Assessor's Lot #A16002, C16012

Date of Receipt: 3/23/05.

280 Rental housing units in 7 buildings.

First 65 Days: 5/27/05. Second 65 Days: 7/31/05. **Phase 1, phase B Housing.** Revised drawings, maps, calculations rec'd. 4/22/05. Site walk 4/25/05. Ben Chianese introduced this application at 8:55 pm, stating that we will use the same time frames as the other Public Hearing. Attorney Paul Jaber came forward, took the mic and identified himself. He said we were before you with this in October and we withdrew. Jaber introduced his team for the panel. Anthony Lucera next identified himself. He said that on Monday he did a site walk with Mills, LeRoy, Danzer and two people from Engineering. "It was very clearly marked", including the archeological study area. Cynthia Rabinowitz, soil scientist, was on the site this morning. I promised you pictures of bridges, and we will have those for the 5/11/05 meeting. Now Matthew Popp will speak about vernal pools. Matt Popp introduced himself, his firm, Environmental Land Solutions, LLC, and his address. Popp handed out his 4/27/05 vernal pool report. He said he used the DEP draft definition for vernal pool. Poppe said I walked the site five or six times. We did find one area, in the gas line area, which he showed on the larger map. LeRoy had a question on the definition of vernal pool, which he discussed with Matt Popp. Popp said there is Klemen's vernal pool, and a vernal pool I found in the gas line area. We found wood frogs and three adult spotted salamanders. LeRoy had a question on the Massachusetts definition of a vernal pool, the aerial photograph and interpretation, which he discussed with Popp, as well as the site walks, rainfall, deep freeze, and the usefulness of such a report. Joseph Canas, P.E., from Tighe & Bond identified himself next, his address & his firm. He described the site plan and the proposed bridge to cross the river with three forty-foot spans. The bridge will have two piers outside of the stream channel as supports, and will be approximately 36 feet wide. Canas discussed the impact, access during construction, the amount of impervious surface, hydrology, no net increase in the peak flow of the river, the proposed stormwater treatment nits, and mitigation along Saw Mill Road. Canas continued describing the berm, calculations and meeting the targets established by the City of Danbury. Tony Lucera said, to add one thing, in the area right next to the brook and the Saw Mill River, there is some standing water which Cynthia Rabinowitz will discuss. Joe Canas answered Chianese's question, "What about the sewer?"

Cynthia Rabinowitz, Soil Scientist with ConnSoil in Bethlehem, CT, next took the podium and identified herself. She said she went out this morning to the site and found there is "a lot of standing water there" now. This is the wettest spring in my professional experience. I dug ten holes throughout the area, and she discussed what seven showed and what the other three holes showed. It's really not a wetland, Rabinowitz said. It's really side slope seepage, and the area is moderately well drained. LeRoy had one question about her findings. Lucera said I'm going to ask Cynthia Rabinowitz to prepare a report on her findings this morning. Rabinowitz clarified her findings in this "extreme season". It's "predominantly moderately well-drained". It's hard to be specific. Moving around this morning I was "sloshing". LeRoy questioned her about the perc tests, growing season, colors for classification, what is a wetland soil, and delineation of wetlands. Rabinowitz said, "I'll be happy to prepare a report." Lucera said I had Surveying Associates, P.C., replace the wetland flags as needed, as you requested. Chianese asked if there was anyone who wished to speak for or against this application.

Mary Reynolds came to the podium, signed in, and identified herself. Reynolds talked about the rabbits, deer, chipmunks, beavers and toads, saying they don't have to be endangered to be "worthy of living". She discussed the fenced area, the multiple possible causes of death for the wild creatures. "How many babies will perish, I ask myself over and over". They "murder the wildlife in any way they see fit". Their habitats are wiped out. There is "little concern and compassion among the developers". Reynolds recounted how Mark Massoud had a beaver dam destroyed. She quoted from the late Pope John Paul II. She thanked the Commission for its time, saying, "If one ear cares, than it's enough for me."

Chianese asked three times if there is anyone who wished to speak for or against this

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application at 9:36 pm. Scott T. LeRoy told Mary Reynolds she should submit a copy of her letter for the record. She said I'll have to make a copy. LeRoy took the mic and described the definition from the Danbury wetland regulations of a wetland, according to the CT General Statutes, as amended. LeRoy said keep this in mind when we are talking about our applications. Chianese asked Mills if he had any comments from their 4/25/05 site walk. Lucera said I know where you're talking about. I didn't have Cynthia Rabinowitz look at that. LeRoy said I'd like to be there too. Chianese asked how much cut and fill. Lucera replied we're working on that plan. Chianese discussed doing another site walk with LeRoy, Lucera, Mills, and the rest of the EIC Commission. He said to come up with a time on a Saturday or Sunday and the Public can join us. Lees made a motion to continue the Public Hearing to 5/11/05. Mills seconded the motion and it carried unanimously at 9:31 pm.

OLD BUSINESS:

12 Great Pasture Road

Regulated Activity # 593

TDRAP, LLC

Assessor's Lot # L16010, IL-40 Zone

Date of Receipt: 1/12/05.

Warehouse/ office building & driveway.

First 65 Days: 3/18/05. Second 65 Days: 5/22/05. Pollutants loading calcs. rec'd. 2/21/05. Extension letter rec'd. 3/14/05. Revisions rec'd. 4/14/05. Ben Chianese introduced this application at 9:43 pm. Pinkham made a motion to table. Lees seconded the motion, and it carried unanimously.

22 Long Ridge Road

Regulated Activity # 596

Carl D. & Susan S. Johnson

Assessor's Lot # J20031, RA-80 Zone

Date of Receipt: 2/9/05

Single-family home, driveway, septic.

First 65 Days: 4/1/05. Second 65 Days: 6/5/05. Sewage disposal plan received 2/23/05. 2nd extension letter and request to table till 4/27/05 rec'd. 4/11/05. (See letter dated 4/27/05 from R. Kahn, Attorney, requesting to table.) Pinkham made a motion to table. Rose seconded the motion, and it carried unanimously.

25 Rowan Street

Regulated Activity # 597

Echavarria, LLC / Hat City Homes

Assessor's Lot #I12068, I12069, RMF-4

Date of Receipt: 2/9/05.

Affordable Housing - 6 units in 2 buildings.

First 65 Days: 4/1/05. Second 65 Days: 6/5/05. Danzer's comments rec'd. Extension ltr. rec'd. 4/1/05. Revised plans rec'd. 4/12/05. S. LeRoy impact report done 4/27/05. Chianese introduced this issue as Dainius Virbickas, P.E., placed the plan on the easel. LeRoy distributed his report, dated 4/27/05, to the Commission Members. LeRoy said, in your hands is my report, and he gave a description of the site overview. They are going to take out some of that impervious area. LeRoy went through his report verbally briefly, item by item. He said he recommends a summary ruling. Chianese asked what does he recommend for permanent monuments. Virbickas said what do you want? Concrete monuments? Okay. Chianese and Mills indicated they want "Wetland Boundary" written on the monuments. Chianese asked if there were any questions about Scott LeRoy's report. Lees made a motion to accept this as complete. Pinkham seconded the motion, and it carried unanimously. Pinkham made a motion to approve EIC 597 with ten conditions of

approval as per LeRoy's 4/27/05 report. Mills seconded the motion, and it carried unanimously at 9:50 pm.

32 Oakland Avenue

Regulated Activity # 599

Investor Property, LLC

Assessor Lot # I11050, RMF-4 Zone

Date of Receipt: 2/9/05.

Two 3-bedroom condominium buildings.

First 65 Days: 4/1/05. Second 65 Days: 6/5/05. Extension ltr. rec'd. 3/24/05. Impact report done by S. LeRoy 4/25/05. Scott T. LeRoy took the microphone, saying the plan is in front of us and the engineer is here, Dainius Virbickas, P.E. LeRoy briefly reviewed his project impact report. "It is a floodway", he said, referring to the soil scientist's report. Based on everything, it's a summary ruling. LeRoy asked Virbickas how far is the site off the brook. Virbickas replied it's "pretty far off". Mills said he had just one question: where's the planting? LeRoy said there's no wetland boundary. Mills said it's in condition #2. LeRoy told Mills not to worry. Lees made a motion to accept this application as complete. Rose seconded the motion, and it carried unanimously. Lees made a motion to approve this with eight conditions of approval. Chianese said to strike condition #2. Lees said strike condition #2, motion to approve subject to seven conditions of approval. Being no further discussion, the motion carried unanimously at 9:55 pm.

50 Beaver Brook Road

Regulated Activity #601

James & Beth D'Entremont

Assessor's Lot # K12176

Date of Receipt: 2/23/05.

Warehouse/ Office Building, IG-80 Zone

First 65 Days: 4/29/05. Second 65 Days: 7/3/05. Request to **table** to 4/13/05. Alternate E rec'd. 4/19/05. S. LeRoy impact report done 4/21/05. Benjamin Doto, P.E., put his map on the easel. Scott T. LeRoy took the mic and identified himself, saying you should have in your hands my Determination of Project Impact (dated 4/27/05). Five different alternatives were explored by the applicant. There was about 6200 sq.ft.wetland loss originally, now down to 3808 sq. ft. wetland loss. A Conservation Easement is proposed over about one-third of the 2.94 acre property. This to me seems like the "best idea I've seen" for it, LeRoy said. The "mitigation far exceeded what the codes required". I recommend a summary ruling with pretty much standard conditions of approval. Pinkham made a motion to accept this as complete. Lees seconded the motion and it carried unanimously. Pinkham made a motion to approve EIC 601 subject to nine conditions of approval per Mr. Leroy's' impact report. Mills seconded the motion, and it carried unanimously at 10:01 pm.

28 Oakland Avenue (Casali)

Regulated Activity #602

Oakland Avenue Associates, LLC

Assessor's Lot # I11048, RMF-4 Zone

Date of Receipt: 2/23/05.

Two-family residential dwelling.

First 65 Days: 4/29/05. Second 65 Days: 7/3/05. Soil scientist's report rec'd. 4/6/05. Revised site plan rec'd. 4/26/05. LeRoy introduced himself again, saying you have my impact report (dated 4/27/05). This is about a third of an acre, and there's no wetland loss, LeRoy said. The engineer, Rod Cameron, P.E., is here. There are plantings, a "no mow" area (see condition #6), and under General Comments: "The applicant has worked to improve the site plan to the best it could be. Mitigation will help improve the stream corridor". Lees made a motion to accept EIC 602 as complete. Pinkham seconded the motion, and it carried unanimously. Pinkham made a motion to approve this with nine conditions of approval, as per Scott LeRoy's report. Mills seconded the motion. Chianese reiterated his desire for cement permanent markers. The motion carried unanimously at EIC 4/27/05

10:07 pm.

46 Merrimac Street

Regulated Activity #604

Sebastian T. DeOliveira

Assessor's Lot # H15051, R-3 Zone

Date of Receipt: 2/23/05.

Three multi-family dwellings.

First 65 Days: 4/29/05. Second 65 Days: 7/3/05. Soil report rec'd. 3/23/05. Revisions rec'd. 3/30/05. No one is present to represent this application. Pinkham made a motion to table. Mills seconded the motion, and it carried unanimously at 10:08.

1 Lake Avenue Extension

Regulated Activity # 606

Gulf Oil, Branded Products Div, Cumberland Farms, Inc.

Assessor's Lot # G15006, CA-80 Zone

Date of Receipt: 3/23/05.

Renovate gas station, convenience store.

First 65 Days: 5/27/05. Second 65 Days: 7/31/05. Detailed information requested. Revisions rec'd. 4/21, 4/22/05. Mr. Jim Gillespie of Bohler Engineering, PC, in Albany, NY, took the mic. He said all three items that the EIC requested have been submitted. LeRoy said I have not looked at the new stuff. Pinkham made a motion to table. Mills seconded the motion, and it carried unanimously at 10:10 pm. LeRoy said I'll review it and do a report for the next meeting.

79 Shelter Rock Road

Regulated Activity # 610

Executive Landscaping, Inc.

Assessor's Lot # K15101

Date of Receipt: 4/13/05.

Michael E. Annatone, Jr.

First 65 Days: 6/17/05. Second 65 Days: 8/2/05. Materials & equipment storage. Scott T. LeRoy said he'd had a phone call from the applicant, and he described what was discussed. They are getting the information together. Lees made a motion to table. Mills seconded the motion and it carried unanimously at 10:12 pm.

NEW BUSINESS:

10 Valley Stream Drive

Regulated Activity # 612

George Manolis & Lisa Capellaro

Assessor's Lot # J08020, RA-20 Zone.

Date of Receipt: 4/27/05

Detached garage, driveway extension.

First 65 Days: 7/1/05. Second 65 Days: 9/4/05. Scott LeRoy stayed at the microphone, saying there's no one here tonight for this application. I'll look at it. Lees made a motion to table. Mills seconded the motion, and it carried unanimously.

Indian Spring Road – Parcel B

Regulated Activity # 613

John DeGross

Assessor's Lot # K07020, RA-40 Zone.

Date of Receipt: 4/27/05.

Single-family residence.

First 65 Days: 7/1/05. Second 65 Days: 9/4/05. CCA, LLC. Matthew Scully, P.E., took the EIC 4/27/05

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mic at 10:14 pm. Scully described the vicinity. It's an interior parcel with an accessway, about 3¼ acres. One single-family house is proposed with a 12-foot wide driveway. Wetlands come within 6 or 7 feet of the driveway. We are within the regulated area. Scully went to the easel to show the "very gentle slope". The driveway will remain gravel, and minimal grading is needed. "It's basically at grade", so we propose to replant the area with a New England Conservation mix. As for the other disturbance, we'll have a small splash pad and a riprap pad for the drainage. Lees had a question on the Conservation Easement. He, Scully and LeRoy discussed the elevations, slopes, pipes, basement excavation, day lighting the footing drains, keeping the house elevated, curtain drain requirements, only one trench will be put in, planting & stabilizing that outlet area, the Conservation Easement and monuments. LeRoy asked who is the soil scientist. Are the flags up in the field? Scully replied Henry T. Moeller is the soil scientist, and he's on vacation. Regarding the flags, Scully does not know if they're up, but he will have it reflagged as needed. The corners are staked. Pinkham made a motion to table. Mills seconded the motion and it carried unanimously.

Old Forty Acre Mountain Road-Parcel B Regulated Activity # 614

Curt Verdi – Verdi Construction

Assessor's Lot # K04199 (portion)

Date of Receipt: 4/7/05.

3 Lots, homes, wells, septics. RA-80 Zone.

First 65 Days: 7/1/05. Second 65 Days: 9/4/05. Scott T. LeRoy said he has not reviewed this material yet, and there is no one here to represent the application tonight. Pinkham made a motion to table. Mills seconded the motion, and it carried unanimously.

ADMINISTRATIVE STAFF APPROVALS:

115 Federal Road

Regulated Activity # 611

City of Danbury / Cap City, Inc.

Assessor's Lot # L07095

Date of Receipt: 4/13/05.

Still River Emergency Watershed Protection Project.

First 65 Days: 6/17/05. Ben Chianese announced that the Administrative Approval was done 4/20/05 by Scott LeRoy. Commission Members should see LeRoy if they require further information, Chianese said.

CORRESPONDENCE: None.

EIC ADMINISTRATION, OPERATIONS, & FUTURE AGENDA ITEMS:

Updated Bylaws approved 2/23/05, effective 4/1/05, and recorded 4/27/05 by Chairman Chianese.

Chianese addressed LeRoy regarding Kenosia Avenue, which we approved. There's all garbage still back there, Chianese said. "It's a mess". It looks like it needs to be cleaned up. Bill Mills concurred. LeRoy said he'd look at it.

LeRoy asked about the Prindle Lane issue. Tom Pinkham said, "He's on it".

LeRoy said there will be another, upcoming violation problem by another guy on the Lake who built a seawall without a permit (Bragdon, 5 Cedar Drive).

Pinkham asked about the violation on Bill Coffey's seawall (EIC 564R).

The Commissioners discussed The Reserve site walk (EIC 619). Chianese said Secretary Lee will e-mail all Commissioners when the site is staked for the site walk (done 6/30/05, with no response from any EIC Commissioner) . Pinkham and Chianese discussed those EIC members who don't show up. Matthew N. Rose has become a Regular Member of the Commission.

ADJOURNMENT:

Pinkham motions to adjourn. Lees seconded the motion, and it carried unanimously at 10:27 pm.