



CITY OF DANBURY

155 Deer Hill Avenue
Danbury, CT 06810

Environmental Impact Commission
www.ci.danbury.ct.us

DRAFT MINUTES

May 11, 2011

Common Council Chambers 7:00 pm

Next regularly scheduled meeting date May 25, 2011.

Chairman Bernard Gallo called the meeting to order at 7:10 pm. Present were Gallo, Bruce R. Lees, Mark Massoud, Alt. Derek B. Roy, Alt. Josh Reilly. Absent were Craig D. Westney, William J. Mills, Alt. Michael Esposito, Matthew N. Rose. Staff present were Daniel Barody, RS, MPH, Health & Human Services Department, Patricia Lee, Secretary.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Alt. Derek Roy at Gallo's request.

SHOW CAUSE HEARING FOR CEASE & DESIST ORDERS: N.A.

OLD BUSINESS:

36 Sugar Hollow Road

Regulated Activity # 883

Danbury Elks Lodge #120

Assessor's Lot # G22003, LCI-40 Zone.

Date of Receipt: 2/23/11.

Replacement building, parking, septic, well.

First 65 Days: 4/29/11. Second 65 Days: 7/3/11. Artel Engineering Group, LLC. Site visit 3/22/11. Revised subsurface sewage disposal plan, site plan and drainage plan rec'd. 4/21/11. Landscape Plan rec'd. 4/25/11. Extension letter received 4/27/11. Staff report done by D. Barody 5/10/11. Gallo introduced this application. Dainius Virbickas, PE, took the mic and said I have received and read through Dan's report, and I have a question on item 6: this is not renewable. Other than that, I'm in agreement with all the comments. Dan Barody identified himself at the podium and said I want to enter into the record my staff report. The applicant has worked with the Health Department, and staff recommends a summary ruling to approve. Roy made a motion to **accept** Regulated Activity # **883** with 6 conditions. Reilly seconded the motion. The motion carried unanimously at 7 14 pm.

RECEIVED FOR RECORD
DANBURY TOWN CLERK

2011 MAY 26 P 5:57

46 Beaver Brook Road

Regulated Activity # 785R

C & W Development, LLC

Assessor's Lot # K12176, IG-80 Zone.

Date of Receipt: 2/23/11.

Sewage treatment facility, phased construction.

First 65 Days: 4/29/11. Second 65 Days: 7/3/11. B. Doto, III, PE. Responses, revisions rec'd. 3/3/11. Spill Control Plans rec'd. 3/30/11. Extension ltr. rec'd. 4/27/11. Revisions rec'd. 5/4/11 re: phasing, truck signs. Staff report by D. Baroody 5/10/11. Gallo introduced this petition. Commissioner Roy excused himself from this discussion. Staff and I did an on-site, Gallo said. Doto said we removed the phasing on the plan, and we restricted the trucks on the site. Baroody said the applicant's engineers have worked with the Health Department; there will be 3493 sq. ft. of wetland created, and staff recommends a summary ruling to approve with 9 conditions. Massoud asked how are they going to mitigate the wetlands. The applicant will address that, Baroody said. Doto said this planting plan, done by Ellen Hines, is identical to the original approval. The disturbance is really very minimal, and Doto showed the three mitigation sites on the plan, L1. Doto explained the buffer with the plants, all included in the proposed Conservation Easement as well. Doto said the ratio was 5 to 1. The disturbance is basically limited to the crossing. Lees made a motion to **approve** with the nine conditions. Reilly seconded the motion. The motion carried unanimously at 7:17 pm.

72-80 Payne Road

Regulated Activity # 501R

LoStocco Development, LLC

Assessor's Lot # M12011, IG-80 Zone.

Date of Receipt: 1/26/11.

Truck garage & office.

First 65 Days: 4/1/11. Second 65 Days: 6/5/11. Bethel reviewed file 3/29/11. Plans to S. Danzer 2/23/11. Danzer comments rec'd. 3/7/11. Tabled to 4/13/11 pending revisions. Extension ltr. rec'd. 3/23/11. Comments from Town of Bethel rec'd. 4/12/11. Motion to **table** by Lees. Second by Roy. Motion carried unanimously.

5 Sugar Hollow Road & Backus Avenue **Regulated Activity # 762R**

The Shops at Marcus Dairy

Assessor's Lots # G17002,G17019, CG-20 Zone.

Date of Receipt: 3/9/11.

Revised site plan, single-story building.

First 65 Days: 5/13/11. Second 65 Days: 7/17/11. Artel Engineering Group, LLC. Danzer report rec'd. 3/31/11. Landscape plan rec'd. 4/20/11. Bridge cross section rec'd. 4/27/11. Dainius Virbickas, PE, from Artel Engineering Group, LLC, came forward with Attorney Neil Marcus. Virbickas said at the last meeting some questions were raised by the Airport Administrator. We met with Jennifer Emminger today. Planning will go with Roald Haestad, Inc., as third party consultant regarding the flood plain. Comments from Planning staff should be done by 6/15/11. The City and the tenants are anxious to get started. The changes and revisions are not all

that significant. Gallo said I will need the remarks from Paul Estefan. Baroody said staff recommends that we table this item and wait for Raold Haestad's report. Gallo reiterated we still need the airport report. Massoud asked about the changes, and Marcus explained the changed footprint and changed parking, requiring modifications to the flood plain, which has been submitted to the Planning Department. Massoud and Marcus discussed the SEA, the revisions, the City Engineering Department and the Planning Department granted the permit. Haestad's job is to approve the revised map. Marcus continued describing the impact on the wetland and flood plain. That's the review, Marcus said. Estefan's concerns are upstream, and he'll be happy if Haestad signs off. Josh Reilly had a question about the bridge crossing the wetland. Virbickas replied and said we are now putting in abutments on either side, spanning the brook and the wetland with out bridge; it's shifted about 20 feet now, so there's a decrease in the total impact to the wetland. Motion to **table** by Lees. Second by Roy. Motion carried unanimously.

40A Payne Road

Regulated Activity # 885

MRF, LLC (David Tinker)

Assessor's Lots# M13001, M13002, IG-80 Zone.

Date of Receipt: 3/23/11.

Storage equipment, construction materials.

First 65 Days: 5/27/11. Second 65 Days: 7/31/11. R. J. Gallagher, Jr. & Associates. Bethel reviewed file 3/29/11. Comments from Bethel Inland-Wetlands Commission rec'd. 4/13/11. Extension letter rec'd. 4/18/11. Site visit 4/26/11. David Tinker took the podium, and Nicholas F. Lee of Lee Horticultural Services, LTD, in Wilton, CT, came forward. They submitted Drawing Number LP-1, Wetland Mitigation, prepared by Lee Horticultural Services, dated 5/5/11. Gallo said make sure Pat and Dan have one. Commissioners reviewed this plan. Tinker introduced Nicholas Lee. Gallo had a question on the date on the plan. In response, Lee said I just gave him the plan today. Lee identified himself and said he's been on the Wilton wetlands commission for ten years, and now I am on the conservation commission. Lee described the orientation of his plan. Lee listed the trees and plantings; shaded area, down to the parking area; 7 Norway Spruce trees at the end of the road to block access; no vehicles can ever enter that area again. In back of the storage bins on top of the existing wall, Lee described the shade trees proposed; provide a good buffer and some shade. Lee discussed the detention basin plantings proposed; 6 sugar maples can get quite large, obviously, and then one more Norway Spruce adjacent to the parking area. Lee asked are there any questions. Roy asked Lee to orient him to the map; I want to understand what we are looking to do here. Lee and Tinker described the vicinity, the entrance, the elevations before that fill pile was in place; this will bring it back to that elevation, Tinker said. I did not see much sense in having a surveyor go out to get the elevation of that fill pile was if I was going to remove it. So I was hoping that you guys would agree with me on that, because, after all is said and done, mitigated, it all has to be brought back to these elevations. Gallo said okay. Any questions? Baroody said I'll review the plan I'll contact Mr. Lee with any comments. Tinker asked is there anything else that I need to submit before we stop. Motion to **table** by Lees. Second by Reilly. Motion carried unanimously to table to May 25th.

37 Executive Drive

Regulated Activity # 887

Seymour R. Powers Trustee

Lots #L10013,L10015,L11019, IG-80 Zone.

Date of Receipt: 4/13/11.

Parking area expansion, Pitney Bowes.

First 65 Days: 6/17/11. Second 65 Days: 8/21/11. Artel Engineering Group, LLC. 6,14,38 Executive Drive, % Powers Industries. Site visit 4/26/11. Soils report rec'd. 4/27/11. Engineering report, G & U plan rec'd. 5/9/11. Wetland buffer planting plan rec'd. 5/10/11. Staff report by D. Baroody 5/10/11. (Laptop computer froze again). Gallo said to Kornhaas I assume you've seen the report. Kornhaas said no, I didn't. After reviewing it, Kornhaas said I have no issues with this. Baroody identified himself saying I want to enter into the record my staff report. Staff recommends a summary ruling to approve with five conditions on the last page; zero wetlands disturbance or created. Gallo asked for any questions. Lees made a motion to **approve** with five conditions as stated in the staff report. Massoud seconded the motion. The motion carried unanimously, and Kornhaas said thank you very much. Gallo said the motion is carried.

NEW BUSINESS:

50 Beaver Brook Road

Regulated Activity # 601 R

JBD Properties, LLC

Assessor's Lot # K12274, IG-80 Zone.

Date of Receipt: 5/11/11.

Equipment storage garage, 2.94± acres.

First 65 Days: 7/15/11. Second 65 Days: 9/18/11. B. V. Doto, III, PE. Revised plans, project report rec'd. 5/5/11. Benjamin V. Doto, III, PE, took the mic saying he represents Jim and Beth D'Entremont. You guys are familiar with this site. After the EIC approval in 2005 (EIC **601**), the site was constructed. Doto described the vicinity on Beaver Brook Road, next to the Coffey's. It's an 11,250 sq.ft. mixed use contractors' office building. There have been many revisions due to the many changing tenants. Doto gave a history of the area; if anything, this building will build a bigger buffer to that area. A Conservation Easement has been filed, the bonds have been released, and the boundary of the Conservation Easement is marked. Basically, there is only equipment in there. Also, the plan is in phases; they will keep the backyard gravel, but eventually they want to pave. The site has sedimentation and erosion controls, including a Vortech unit. The storm drain pipe will be taken out, and it will be tied into the existing system. Nothing from this building will impact the wetlands, Doto said. The curb was done that way by me intentionally. If you do a site walk, you want a delineation area. Jim chose to use very large boulders as well as signs that are up. There are no alternatives due to the restraints on the site. Next door is West End Power Equipment, the railroad tracks, the loading area; it's the only place it can be. Doto said he would be happy to answer any questions. Lees said this is in front of us as a revision; the use of the **R**, and Lees asked Baroody about the fees. Baroody said he paid the fees, and although Pat calls it **R**, it's a full new application, not a revision. The back of the building butts up against the wetlands, Lees said. Baroody said it is not right up against the wetlands. Lees asked where is the number? Baroody gave some history of the site; it was mitigated, and he described the plantings that were done. Doto said I'm staying out of the Conservation Easement area. Lees said then there must be some alternative; very few applications put a building right up to the wetlands. Doto said, Bruce, it's not going to do anything. Lees and Doto discussed the proposal. Lees said we should definitely do a site walk. Doto said we can stake it; not a problem.

It's a construction yard now. Put a building on it, then pave it, Doto said. Lees said I just got handed this tonight; you've come back and done more on top of it. Doto said Mr. D'Entremont gave the Conservation Easement; all we're doing is putting in a building in a construction lot. Lees said you're putting a building right on top of the wetlands; very, very close. Doto said I respectfully disagree, and you will see it at the on-site visit. Roy had a question on the rain; all the runoff. Doto said it will remain like it does now. Doto showed the detention basins on the plan, the runoff from the railroad; and no runoff goes into the wetland because of the curb. Roy said we're not on top (of the wetland); we're adjacent to. Roy asked how many feet of plantings are proposed? Doto said I'd have to look. Roy said I understand Bruce Lees' point, and I understand the owner's right to build on his property. Doto described the galleys; you'll see in the analysis. Roy asked about snow and plowing. Doto said I'll ask Jim (D'Entremont). Roy said that's a Bill Mills' question. Gallo said this is Phase 1. Doto encouraged the board to do a site visit with D'Entremont or himself. Lees asked what's on the other side. Doto described the building layout, the bays, the maximum they could move the building without prohibiting the vehicles; shifting towards the railroad tracks does not accomplish anything. There are no changes to the drainage. Lees said that the zoning setbacks are always followed to the letter, but the wetland setbacks are treated as changeable. Doto said "setbacks" is not the correct term; it's a regulated area, and he explained. Roy, Doto and Lees discussed the storage of the construction equipment and the water quality. Doto said, again, there is a Vortech unit. A site walk is necessary. Doto said that he prefers the building be right up against the back. Lees said I'm off for two more weeks (knee operation); I'd like to have Jim there. It's a very neat site. Gallo said we'll have to see it. Lees said we approved this before, and he made a motion to **table**. Reilly seconded the motion. The motion carried unanimously at 8:12 pm.

ADMINISTRATIVE STAFF ACTIONS:

Regulated Activity # **886, South Avenue / Rogers Park**, Duke Hart, Highway Dept., City of Danbury, Lot # J15091, RA-20 Zone, Parking lot at softball field, Admin. Approval 5/9/11. Gallo said I think everyone can read this.

VIOLATIONS: None.

ACCEPTANCE OF MINUTES: Motion to accept the 4/27/11 meeting minutes as presented by Lees. Second by Roy. Motion carried unanimously.

CORRESPONDENCE:

Chairman Gallo said we should be all set with the following correspondence:

Aquatic Pesticide Permit Application: The Pond Connection (Stahl Holdings, LLC), 53 Lake Avenue Ext., Ives Center Pond, for algae.

State of CT DEP Notice of Tentative Determination to approve with conditions a State Permit Renewal for pretreated wastewaters continued discharge into State of CT waters by The Gillette Company, Berkshire Corporate Park, Bethel, CT.

ENVIRONMENTAL IMPACT COMMISSION

ATTENDANCE

Date: MAY 11 2011

Meeting called to order: 7¹⁰ pm

ROLL CALL:

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>LATE</u> (time)
Bruce Lees	✓		
Craig D. Westney		✓	
Bernard P. Gallo	✓		
William J. Mills		✓ out of town	
Matthew Rose		✓ conflict	
Jon K. Fagan		✓	
Mark Massoud	✓		

ALTERNATES

Derek B. Roy	✓		
D. Joshua Reilly	✓		
Michael Esposito		✓	

OTHERS PRESENT:

Daniel Barody	✓		
Patricia Lee	✓		
Corporation Counsel			

Adjourned at 8¹³ pm
BL
JR
MCU