



**CITY OF DANBURY**  
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2011 DEC 15 P 12:38  
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**DRAFT MINUTES**

**November 9, 2011**

**7 pm - Common Council Chambers**

Next regularly scheduled meeting December 14, 2011.

Present were Chairman Bernard Gallo, Bruce R. Lees, Matthew Rose, Alt. Michael Esposito, William J. Mills.

Absent were Craig D. Westney, Alt. Josh Reilly, Alt. Derek Roy, Jon Fagan, Mark Massoud. Staff present were Daniel Baroody, MPH, RS, Secretary Patricia Lee.

Chairman Bernard Gallo called the meeting to order at 7:09 pm. (Laptop computer not working.)

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Bruce R. Lees.

**FOR DISCUSSION & POSSIBLE ACTION:** N.A.

**PUBLIC HEARINGS:** None.

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

**OLD BUSINESS:**

**211 Stadley Rough Road**

**Regulated Activity # 586 R**

**Bruce Pierce**

Assessor's Lot # K04125, RA-20 Zone.

Date of Receipt: 8/24/11.

Single-family residential dwelling.

First 65 Days: 10/28/11. Second 65 Days: 1/1/12. Andy Hill. (formerly Gus Edwards, EIC # 586) Site visit 10/25/11. Screen report by D. Baroody 11/8/11. Gallo introduced this item at 7:10 pm. Bruce Pierce took the mic, saying I have nothing more to add, then sat down. Dan Baroody took the microphone, saying staff recommends a summary ruling with the 11 conditions as stated on my screening report. It is almost identical to the original EIC 586 project. Motion to **approve** with conditions by Lees. Second by Rose. Motion carried unanimously at 7:11 pm.

**84 Stadley Rough Road**

**Regulated Activity # 900**

**Laura & Anthony Novella, Jr.**

Lot # K05197, RA-20 Zone.

Date of Receipt: 9/14/11.

NOV 8/18/11 Stabilization plan.

First 65 Days: 11/18/11. Second 65 Days: 1/22/12. Trinkaus Engineering, LLC. EIC violation. 9/14/11 Site visit recommended. Soil report rec'd. 9/26/11. Site visit 10/5/11, Gallo & Baroody. Soil testing requested 10/12/11. Gallo introduced this application as Steve Trinkaus came forward. Trinkaus said soil testing on the site was requested, but finding a place to test the soil for hydrocarbons is tough. Trinkaus described his procedures; it's common fill material. There's nothing leaching out; no environmental risk. Trinkaus said this fill was placed without a permit. I propose a plan, which Trinkaus passed out, "Slope Stabilization Plan", creating a flatter bench. We propose an excavator from the top of the slope; a wild flower meadow mix seed. We are increasing the setback from zero to between 13 and 21 feet to the base of the slope. So please consider the revised plan. No work got done following the snow storm last week (10/29/11), Trinkaus said. Mills asked him to stake the 13 to 21 feet on the site. Mills said I would like to do a site walk. Trinkaus said okay; I will stake the 86<sup>th</sup> contour. I'll mark that to give you a better picture. Baroody had a question on the sampling. Trinkaus said it was a composite sampling; about one and a half mason jar sample. Lees made a motion to **table**. Rose seconded the motion. The motion carried unanimously at 7:18 pm.

**25 Pleasant Drive**

**Regulated Activity # 901**

**Susan B. Murray**

Lot # J07048, RA-20 Zone.

Date of Receipt: 10/12/11.

3-Bedroom replacement res. dwelling.

First 65 Days: 12/16/11. Second 65 Days: 2/19/12. CCA, LLC. Site visit 10/25/11. Screen report by D. Baroody 11/8/11. Russell Posthauer, Jr., of CCA, LLC, said I have seen the screening report recommending the summary ruling. The fence and the monument will be decided upon. Baroody said staff recommends a summary ruling to approve with eight conditions. Motion to **approve** with conditions by Lees. Second by Mills. Motion carried unanimously at 7:20 pm. Gallo said thank you.

**East Pembroke Road**

**Regulated Activity # 902**

**Woodbranch Partners, Ltd.**

Lot # H06002, RA-80 Zone.

Date of Receipt: 10/12/11.

Boat dock & stone patio.

First 65 Days: 12/16/11. Second 65 Days: 2/19/12. CCA, LLC. Comments from CLA rec'd. 10/20/11. **TABLE** till site visit by boat 11/15/11, 2 pm. Gallo announced we are going to table this until our site visit. Motion to **table** by Rose. Second by Esposito. Motion carried unanimously.

**19-21 South Street**

**Regulated Activity # 903**

**DRS Technologies, Inc.**

Lots # K15080, K15081, IL-40 Zone.

Date of Receipt: 10/26/11

Facility office expansion.

First 65 Days: 12/30/11.

Fuss & O'Neill

Second 65 Days: 3/4/12.

Daylar Associates, LLC

Voted to Public Hearing 10.26.11. Chairman Gallo introduced this application. Baroody said we met with the applicant and Secretary Lee on Monday 11/7/11. We will set the Public Hearing for our next regular meeting on December 14, 2011, Baroody said. Motion to **table** till the Public Hearing by Lees. Second by Mills. Motion carried unanimously at 7:22 pm.

**19-21 South Street**

**Regulated Activity # 903 MA**

**DRS Technologies, Inc.**

Lots # K15080, K15081, IL-40 Zone.

Date of Receipt: 10/26/11

Petition to Amend IWW Map-Danbury

Fuss & O'Neill

**WITHDRAWN 11/9/11.** After Gallo

introduced this item, Baroody identified himself again at the mic, saying I am in receipt of a letter withdrawing this request for a map amendment. It is not required in this case.

Motion to **withdraw** from agenda by Lees. Second by Rose. Motion carried unanimously.

**Long Ridge Road**

**Regulated Activity # 907**

**John J. Carvalho**

Lot # I22035, RA-80 Zone.

Date of Receipt: 10/26/11.

C & D Order 8/15/11

First 65 Days: 12/30/11.

Remediation & restoration.

Second 65 Days: 3/4/12. Voted to Public Hearing 10.26.11. Mr. and Mrs. Carvalho came forward with Attorney Neil Marcus representing Carjo Corporation. Marcus said my client received a Cease & Desist Order about two months ago regarding repairs made to the Old Post Road. Marcus gave a history of the Notice of Violation and the application. The roadway construction has already been completed, but the debris needs to be picked up, Marcus said. Carvalho and Marcus discussed at the microphone what still needs to be done: the piping, high velocity stone, the enlarged pipes. Carvalho explained that the stones will slow the water velocity. Carvalho said I just wanted to be able to reach the property. Peder Scott, PE, RA, of Brewster, NY, arrived at 7:28 pm. Scott explained the stabilization plan, compiled from several documents including a wetland consultant. He described the vicinity: Deal Drive, Old Post Road, to the existing house site. The intent was to improve a roadway to the Carvalho property, Scott said. We walked the roadway, and completed an extensive stormwater management plan. We looked at how to stabilize the site. He

described the culverts, existing and proposed, using map "SY3" on the easel. We provided a site plan. Scott explained why there so many crossings: all that runoff has to go somewhere. Scott discussed a green treatment device, permanent diversion swales, diverting the water all to culvert inlets. The sizes are adequate, except for some of the runoff control. We analyzed all the swales and weirs; we did a physical inspection of the roadway. We need another culvert at 24-60, Scott said. We evaluated where the stormwater came from. In a peak storm event, we have to be sure that sheet flow does not run off. He discussed undulations, the infiltration bed system, perforated pipes, the infiltration device, preventing non-point discharges to the wetland to the east. We're solving a problem. We analyzed everything. The roadway will serve a single house. Scott presented an alternative with "SY4", and he described the soil types. We did deep tests and percolation tests; a controlled entrance, a typical driveway, a wetland crossing at a culvert crossing. The impacts are all in my report. We will repair and relocate that crossing. There will be no activity on the house site, 100 feet away from the wetland. He discussed the sized drywells, the first flush; conforming to State regulations for a septic site; infiltration swales, flared-end sections on pipes, oversized pipes for animal crossings. Scott described the pipe versus an open bottom structure. It will be stabilized and functioning. A gravel roadway will provide mitigate it, similar to what exists already. What if we left it the way it is? Scott said the proposed work enhances what's existing, with improved transportation of stormwater. Our report has been prepared to address this. Rose said I'd like to see and open-bottom culvert. Mills discussed the "insignificant" and "minor" language used. Scott said we kept it to a minimum dimension; the apron is 50% of that disturbance. No back-up requires much more stone, 20 feet long by 20 feet wide. Mills said you are still impacting a lot of square feet; I would like to see that minimized. Scott said we can put that together for you. Baroody said we want to withhold our comments until the Public Hearing. We've set December 14<sup>th</sup> for the Public Hearing. Gallo asked are there any questions. Rose made a motion to table. Neil Marcus asked why a Public Hearing? Dan Baroody said the reason for a Public Hearing was the substantial public interest. Scott said I'll submit an alternative before the Public Hearing. Mills seconded the motion to **table**. The motion carried unanimously at 7:50 pm.

**NEW BUSINESS:**

**Reserve Road & Milestone Road**

**Regulated Activity # 906**

**Regional Hospice of Western Connecticut #C15023, PND Zone.**

Date of Receipt: 11/9/11.

aka, Woodland Road, Parcel 5c.

First 65 Days: 1/13/12.

Artel Engineering Group, LLC.

Second 65 Days: 3/18/12. Mark Kornhaas, PE, of Artel Engineering Group took the mic at 7:51 pm and described the eastern side of The Reserve site, with access off of Old Ridgebury Road. You take a very sharp right, Kornhaas said. It's a 5.86-acre site, and Kornhaas described the wetland, culverts, swale; there are currently no storm drainage structures currently on the road. It is within the Lake Kenosia Watershed, so it is environmentally sensitive. Kornhaas described the Hospice's search for a new facility. This will provide 12 living units, office space, a partial basement. Hospice loved the site, Kornhaas said, providing solitude areas, a specialized building, and a healing garden. The

dark green area on the plan is the wetland; the hatched area is the 25-foot setback. The Fire Marshal made us add emergency exits across the back. Kornhaas continued there will be no wetland disturbance; everything is in the buffer. He described the collection system, the Vortechnic devices, and all utilities coming from Milestone Road: gas service, water, electric and phone lines across the north side yard and into the building. All the stormwater goes down to the big pond at the rest area. Mills asked about the number of cuts and fills. Kornhaas said we have not done that yet. He showed the rendering of the building. Mills asked are the wetlands flagged? Cynthia Rabinowitz flagged the wetlands years ago, Kornhaas said. Kornhaas said he will flag the wetlands and the four corners of the building. Mills asked him to have the cuts and fills for the next meeting. Lees asked about the back road. Kornhaas said the Fire Marshal wanted grass pavers. Lees asked why are there so many parking spaces. Kornhaas described the staff, the number of beds, the meetings. Lees asked why is it 25 feet to the wetland; could we cut that off? Kornhaas explained what the Fire Marshal had asked for, but said it was duly noted. Baroody said just take Cynthia's flags, restore her flags. Lees asked for drain labeling. Gallo asked are there any questions. Mills made a motion to **table**. Mills seconded the motion. The motion carried unanimously at 8:03 pm.

**APPLICATIONS FOR ADMINISTRATIVE APPROVAL:** N.A.

**ADMINISTRATIVE STAFF ACTIONS:**

EIC # **904**, 16 Apple Blossom Lane, Sanchez, pond shorefront restoration 11/2/11;  
EIC # **905**, 30 East Franklin Street, Jennings, environmental mitigation oil terminal  
11/2/11, by D. Baroody.

**VIOLATIONS:** Discussed 10/12/11; for 11/9/11 tonight's meeting:

1 Hillside Street, Diane B. Best, dumping debris in a wetland / regulated area adjacent to Hillside Street & railroad tracks. Ms. Best's grandson came forward and requested more time to clean up, and discuss it at the 12/14/11 meeting. It's on the side of a hill. People have been dumping there illegally. I have removed 15 giant bags of debris, including 2 TV's. Because of the storm 10/29/11, the fixed income, the age and health of my grandparents, I ask for a time extension. Rose made a motion to extend the time to 12/14/11. Esposito seconded the motion. The motion carried unanimously at 8:05 pm. Gallo said stay in touch with Dan. Baroody said let me know when you are ready for an inspection; we will go out with Jenna.

3 Hillside Street, Shuaid & Tarannum Khan, dumping debris in a wetland / regulated area adjacent to Hillside Street & railroad tracks. See Correspondence on 10/26/11. Baroody said they are okay.

Notices of Violation sent 10/5/11 to both, ordering restoration plans, remediation, EIC applications to be presented at **November 9, 2011**, DEIC meeting.

Gallo announced he is appointing a **nominating committee** comprised of William J. Mills, Matthew N. Rose and Craig D. Westney.

**ACCEPTANCE OF MINUTES:** 10/26/11 Meeting. Motion to accept these minutes by Mills. Second by Rose. Motion carried unanimously at 8:07 pm.

Gallo read through the correspondence, and future agenda items.

**CORRESPONDENCE:**

Letters from CT DEEP\* advising dam owners of dam maintenance required at 9 City locations:

Rose Hill Avenue Pond Dam # 3407  
Waubeeka Lake Dam # 3409  
Lake Wackawana Dam & Dike # 3410  
Eureka Lake Dam # 3411  
Mountain Pond Dam #3412  
Rogers Pond Dam # 3413  
Lees Pond #1 Dam # 3416  
Kellners Pond Dam # 3428  
Parks Pond Dam # 3438

(\* CT Dept. of Energy & Environmental Protection)

**EIC ADMINISTRATION & FUTURE AGENDA ITEMS:**

Set Public Hearing date EIC # 903  
Set Public Hearing date EIC # 907

**ADJOURNMENT:**

Motion to adjourn by Rose. Second by Mills. Motion carried unanimously at 8:10 pm.

The next regularly scheduled DEIC meeting December 14, 2011.