



CITY OF DANBURY
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Environmental Impact Commission
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DRAFT MINUTES

January 25, 2012 – 7:00 pm

Common Council Chambers

Next regularly scheduled meeting: February 8, 2012

Gallo asked the commissioners to read the letter from Corporation Counsel before he called the meeting to order, which they did.

Chairman Bernard Gallo called the meeting to order at 7:12 pm. Present were Gallo, William J. Mills, Bruce R. Lees, Alt. Josh Reilly, Matt Rose, Mark Massoud, Craig Westney, Alt. Derek Roy. Gallo asked Alt. Reilly to leave as there were enough commissioners without him as alternate tonight. We have a quorum, Gallo announced.

Absent were Alt. Michael Esposito, Jon Fagan.

Staff present were Daniel Baroody, RS, MPH, Secretary Patricia Lee.

PLEDGE OF ALLEGIANCE: Led by Derek Roy at Gallo's request.

PUBLIC HEARING: NA

OLD BUSINESS:

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. Mitigation addendum rec'd. 12/1/11; copy to S. Danzer 12/6/11. Received ext. letter 12/27/11. Referred 1/11/12 to Corporation Counsel; comments received 1/25/12. Chairman Gallo introduced this business at 7:13 pm. The public hearing was closed. Everyone has read the letter from Robin L. Edwards, Attorney. It is quite clear that the application is incomplete. Anyone have something they want to say? Mills made the following motion: After due deliberation and consideration of the opinion of Corporation Counsel, and the evidence in the record, including but not limited to the staff reports from Dr. Danzer and Mr. Baroody, I make a motion to **direct staff to prepare a resolution of**

denial on the basis that the application is incomplete as set forth in the staff reports and the opinion of Corporation Counsel. Lees seconded the motion. Motion carried unanimously at 7:15 pm.

100A East Pembroke Road

Regulated Activity # 425R

Mohammed Alam & Bashri Rabeya

Lot # H08003, RA-40 Zone.

Date of Receipt: 12/14/11.

Wetland mitigation & restoration.

First 65 Days: 2/17/12.

NOV 8/31/11

Second 65 Days: 4/22/12.

T. L. Chalifoux, RLA. Dan Baroody identified himself, saying he spoke with the client, and the client asked that it be tabled. We still need a site walk. Lees made a motion to **table** until the 2/8/12 meeting. Roy seconded the motion. Motion carried unanimously. Mills asked about having a site walk.

Shoreview Lane – Beach Improvements

Regulated Activity # 909

Shoreview Estates Homeowners Assn.

Lot # H08067, RA-80 Zone.

Date of Receipt: 12/14/11.

Reconstruct Community Beach

First 65 Days: 2/17/12.

R.J. Gallagher, Jr. & Assoc.

Second 65 Days: 4/22/12. Staked & flagged 12/29/11. Site visit 1/12/12 by Baroody & Gallagher. Comments & photos from Candlewood Lake Authority 1/25/12. Gallo invited Larry Marsicano from the Candlewood Lake Authority to come to the mic. Thank you for continuing to ask us to provide some comments on issues on the Lake. Marsicano handed out his photographs. We did see in the minutes that you wanted the Lake Authority to comment on this. We have a very qualified Environmental engineer, Gary Dufel, who is down in New Zealand, and we have his input. There was some confusion. We were aware of the activity going on there for a year. A neighbor filmed and recorded what was going on; trees topped, filling, grading, and there was correspondence between that neighbor and the Lake Authority. His photos look like this. The other set is from April 29, 2011, when they were told by Mr. Wood (FirstLight Power Resources) to cease activity, but they did not. We were aware, Larry Marsicano, said. Then we received the application that is before you. In addition to our comments on the plan, if there is a stormwater problem there; they need to fix that, but we need to know what went on there prior to now. I chatted with someone from the community, Debra Zucker, and so my recommendation in our letter would be to have somebody, a third party, maybe Dr. Danzer, go out there and try to assess what went on there. We find distressing is that since this is Federal property, it complexes things a lot, unlike Lake Kenosia (City property). The activity was not permitted, and we were not aware of what that action was. Ask for a written response what was that action, Marsicano continued. The response was, to prevent what was being done. Marsicano summarized what his package of documents contains, including photos, 2010 aerial photography, and a photographic inventory that we took in 2006. We do have some information as what it looked like in 2006. We are here to help in any way we can. Chairman Gallo said I thought at first they were just putting white sand down. But I see a bunch of rocks there now. Marsicano said yes; I just don't know what was done. Perhaps a third party can go in and

at least identify what went on. Gallo asked does anyone have anything? Ralph J. Gallagher, Jr., next took the mic. I was neither the engineer, nor were the current board people on the board at that time. This was done by a contractor; they thought it was maintenance. They did not try to make the beach bigger as was alleged, Gallagher said. Gallo said we have to still go out there. Gallagher described the western side of the beach, water running through the sand and into the Lake. After the incident, let's call it, Brian Wood was out there and directed them to build a breakwater. The surveyors located the old edge of water and the new edge of water, a balance of a minus, and reduced the beach a slight amount. We have a letter of consent from FirstLight to do this, to stop the erosion of the sand by doing two things. Putting a curb so all that water will sheet flow down the boat launch ramp; also a riprap swale curtain drain at the north point, flowing into a pile of rocks so that there is no erosion. He described the swale and the curb proposed. We will raise the level at the rock, flatten that out, and bring the 430 contour to be level. What the contractor was doing, he initially dumped some small cobbles covered with sand. That's over and done, Gallagher said. That's what's there. We are directing water in two different directions. We'll stop the erosion of the sand that is there, and Mr. Wood wanted us to include ongoing maintenance through the years. I want to say now what I mistakenly thought: I assumed it was part of the original approval. This is no longer a part of this. We'd like to do it while the water is down. Time is of the essence, unfortunately, Gallagher said. I will do calculations on this ditch; silt fence and hay bale the area and bales in other areas. There's a lot of rock out there. Any questions now or after the walk, I will try to answer, Gallagher said. Mark Massoud said I just have a couple of comments. The FirstLight document is just filing consent, not approval. We want to hear from City agencies. Second, I hate to say it, but I was on the commission when Shoreview Estates was built. It was a site that required some maintenance, underwater boulders; but water filtered into the sand, and the sand was migrating into the water over the rocks. That does not excuse the association from doing the work without a permit, but realize that there is a need for ongoing beach replenishment. Chairman Gallo asked any comments? Ralph Gallagher asked to accompany commissioners on the site walk. Lees said we do appreciate Marsicano's input all the time, and I personally thank you. Marsicano said we want to thank you for keeping us in the loop. I want to join in the site walk too, Marsicano said. Lees made a motion to **table**. Mills seconded the motion. Motion carried unanimously at 7:35 pm. Dan will get a hold of Marsicano, Gallo said.

61-63 King Street

Regulated Activity # 910

Laurie E. Nimmons

Assessor's Lot # C06053, RA-40 Zone.

Date of Receipt: 12/14/11.

Single-family dwelling, septic, driveway.

First 65 Days: 2/17/12.

R.J. Gallagher, Jr. & Assoc.

Second 65 Days: 4/22/12. Staked & flagged 12/29/11. Soil report received 1/11/12. Site visit 1/12/12, Baroody & Gallagher. Gallo introduced this issue saying Mark Massoud would like to recuse himself. Dan and I walked the site, Gallagher said. We could re-walk the site when you visit Shoreview. I got Dan to come out before it snowed. It may snow this weekend. Gallagher described what is proposed: a single-family dwelling, a modest house, septic on the side. All meets the Health Department's liking. Chairman Gallo said it's unfortunate that such a large piece of property, has such a small area to build on. Westney

asked for vicinity clarification. It is next to house they are getting ready to move. Westney said okay. Ralph Gallagher said it's staked out, and you can walk it in three minutes, and he described the slope. Mills made a motion to **table # 910**, and have a site walk prior to the next meeting. Roy seconded the motion. Motion carried unanimously at 7:40 pm. Mr. Massoud is coming back into the meeting, let the record show, Gallo announced.

NEW BUSINESS: NA

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: NA

ADMINISTRATIVE STAFF ACTIONS: NA

VIOLATIONS: NA

ACCEPTANCE OF MINUTES: Motion to accept the 1/11/12 meeting minutes by Lees. Second by Rose. Motion carried unanimously.

CORRESPONDENCE: NA

EIC ADMINISTRATION & FUTURE AGENDA ITEMS:

ADJOURNMENT: Motion to adjourn by Rose. Second by Roy. Motion carried unanimously at 7:42 pm.

The next regularly scheduled DEIC meeting is February 8, 2012.